

# CITY COUNCIL REPORT



MEETING DATE: November 17, 2003      ITEM NO. \_\_\_\_\_      GOAL: Preserve the character and environment of Scottsdale

## SUBJECT

### **Cattletrack Ranch**

## REQUEST

### Request to approve:

1. To rezone from Single Family Residential District (R1-43 & R1-35) to Single Family Residential District, Planned Residential Development District (R1-35 PRD) with amended development standards on a 5+/- acre parcel located at the Southwest corner of Cattletrack/Miller Road and Lincoln Drive.
2. To adopt Ordinance No. 3534 affirming the above rezoning and amended development standards.

### **12-ZN-2003**

### **Key Items for Consideration:**

- The zoning request will increase the number of lots allowed from 5 to 7.
- Amended development standards are proposed.
- Landscaped setbacks and walls are proposed along streets.
- The impacts on traffic and infrastructure will be negligible.
- Due to neighborhood concerns, this application was revised several times before being heard by the Planning Commission.
- Planning Commission recommends denial, 4-3.

## OWNER

Diann Henderson; AMZ Homes &  
Alexander Zink  
480-609-8850

## APPLICANT CONTACT

Lynne Lagarde  
Earl Curley & Lagarde P C  
602-265-0094

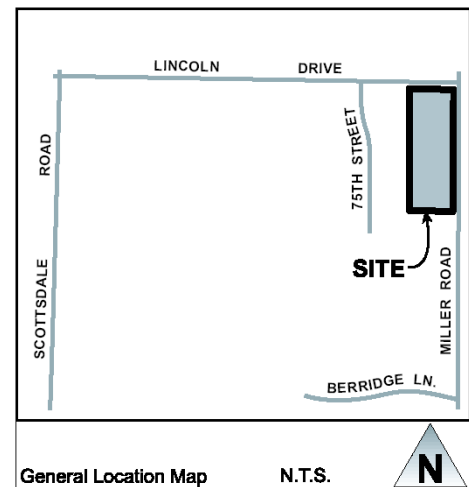
## LOCATION

Southwest corner of Lincoln &  
Cattletrack

## BACKGROUND

### **Zoning.**

The site is zoned Single Family Residential District (R1-43 and R1-35); 43,000 sq.ft. minimum lot sizes and 35,000 sq.ft. minimum lot sizes respectively.



**General Plan.**

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land.

The General Plan Character and Design Element designates the property as Rural Character Type. These areas generally contain relatively low-density and large lot development, provide a rural lifestyle that includes building low profile structures, discouraging walls, and limiting road access.

**Context.**

This property is located within an established rural enclave of approximately seventy (70) acres surrounded by more intense development. The immediate surrounding area to the east, west, and south of this property are designated Rural by the General Plan and are zoned R1-43 and R1-35 Districts. This area has an open rural character with 35,000 square foot lots (or larger) and large setbacks.

The neighborhood on the north side of Lincoln Drive is designated Suburban Neighborhoods, and is zoned R1-5/PRD. The north side of Lincoln generally has a suburban character with smaller lots with perimeter walls and common open space.

**APPLICANT'S  
PROPOSAL****Application Revisions**

As a result of neighborhood concerns, the applicant revised this development application several times before being heard by the Planning Commission. This application originally requested to amend the General Plan from Rural designation to Suburban designation and rezone 5 acres to R1-18/PRD to construct 10 lots. Then the applicant withdrew the General Plan amendment and changed the rezoning proposal on the 5 acres to R1-35/PRD to construct 7 lots.

**Current Application.**

The current application proposes the following:

- Rezone the property from R1-43 and R1-35 to R1-35/PRD to allow 7 lots on the 5+/- acres; and
- Use the Planned Residential Development District (PRD) to increase the base density from 1.05 homes per acre to 1.167 homes per acre, and to amend the development standards pertaining to lot sizes and setbacks. Setbacks abutting the R1-35 lots to the east and south will be 35 feet.

The applicant proposes to justify the density increase and amended development standards by providing an innovative site development plan with the following:

- Limiting access to Miller/Cattletrack Road by using shared driveways
- Providing external open space as an amenity along the streets
- Reducing the maximum building height to one story (24 feet)
- Maintaining a 35-foot setback adjacent to the existing R1-35 District
- Providing pedestrian paths along the streets.

**Development information.**

- *Parcel Size:* 6 gross acres (5.05 net acres)
- *Existing Use:* Vacant lots
- *Existing Density Allowed:* 1.05 home per gross acre (6 homes)
- *Proposed Density:* 1.167 homes per gross acre (7 homes)
- *Existing Lot Sizes Allowed:* 35,000 square feet minimum
- *Proposed Lot sizes:* 26,000 square feet minimum  
39,000 square feet maximum  
31,500 square feet average
- *Building Height Allowed:* 30 feet
- *Proposed Building Height:* 24 feet (one story)

**IMPACT ANALYSIS**

Both the existing R1-35 and R1-43 zoning, as well as the proposed R1-35/PRD District, are consistent with the General Plan. The increased density and the amended development standards allowed by the Planned Residential Development District (PRD) create a development plan that provides relatively large lots, low profile buildings, limited access, and open space along the streets. Walls are generally discouraged in rural character areas, therefore the proposed 6-foot tall walls along the streets should be minimized by setting the walls back from the streets, meandering the walls, and limiting the size of the walls (height and length).

**Traffic.**

Cattletrack (Miller Road alignment) is classified as a minor collector between McDonald Drive and Lincoln Drive on the City's Circulation Element of the General Plan. The proposed Streets Master Plan does not identify it as a major street (minor collector or greater). The street is constructed to two lanes, one lane each direction, with turn lanes at its intersections with McDonald Drive and Lincoln Drive. The intersection of Cattletrack and McDonald Drive is signalized.

Traffic volumes were collected on August 13, 2003. The data indicates that the daily traffic volume was 1,836 vehicles. The average speed was 33 miles per hour; the 85<sup>th</sup> percentile speed was 40 miles per hour. These volumes and speeds are consistent with a local collector street. Minor collector streets are typically designed to accommodate traffic volumes greater than 5,000 vehicles per day. Cattletrack does have direct residential driveways along it, although these are limited in number due to the large lot, low-density character of the adjacent property.

The proposed development plan would increase the potential number of residential lots from five to seven. Traffic generated by this increase in two lots would be approximately 19 daily vehicle trips.

Eliminating the direct access from residential lots reduces the number of conflict points along Cattletrack. The addition of 19 daily trips will not impact the level of service on Cattletrack. Eliminating the direct residential driveways on collector streets is generally supported; however it will not likely have a measurable impact on Cattletrack.

**Water/Sewer.**

The water supply service for this property is from the town of Paradise Valley, and the sewer service is through the City of Scottsdale. The applicant is responsible for new water and sewer infrastructure to service the site, and would extend existing lines in the adjacent streets.

**Police/Fire.**

The increase from 5 lots to 7 lots will not impact police or fire services.

**Schools District comments/review.**

The Scottsdale Unified School District has been notified of this application, and the District indicates it has adequate facilities to accommodate the projected number of additional students generated by the proposed rezoning.

**Community involvement.**

The applicant has contacted surrounding property owners and has held multiple open houses to receive community input. Comments received from neighbors from the previous proposals indicate they wish to preserve the existing rural character. As a result of the community input, the applicant has modified the development proposal multiple times to its current 7-lot proposal. There have been two written comments received on the current proposal; one in favor and one in opposition. There was also public testimony at the Planning Commission hearing; both in favor and in opposition. (see Attachment #8, #9, and #10)

**Community Impact.**

The change to allow 7 lots instead of 5 lots will have little or no impact on existing infrastructure or services. The proposed development plan maintains the rural character of the area by providing relatively large lots, low profile buildings, limited access, and open space along the streets.

PLANNING  
COMMISSION

The Planning Commission first heard the General Plan and rezoning requests at a remote hearing on August 20, 2003. At that hearing, there was much opposition to the proposal by both the Planning Commission and citizens. The General Plan applications were subsequently withdrawn in September and October.

The Planning Commission held the public hearing on this revised application on October 22, 2003. Citizens spoke both in favor and in opposition to the proposal. The Planning Commission and citizens expressed appreciation that the original application was revised and the General Plan amendments were withdrawn.

Citizens in opposition to this request and four Planning Commission members

indicated that the smaller lots and perimeter walls would diminish the existing rural character of the area. Citizens supporting this request and three Planning Commission members indicated this new development would not be a significant increase in density and would be an appropriate development solution for the area.

There were also discussions regarding how the existing CCRs impacted this request, and the Planning Commission indicated that they would prefer to have the existing CCRs amended prior to making a recommendation on this case. (see Planning Commission Minutes, Attachment #9 and #10)

The Planning Commission voted to deny the application by a vote of 4-3.

STAFF  
RECOMMENDATION

Staff recommends approval of the rezoning to the R1-35/PRD District, subject to the attached stipulations.

RESPONSIBLE  
DEPT(S)


**Planning and Development Services Department**  
Current Planning Services/Planning and Design Division

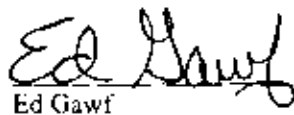
STAFF CONTACT(S)

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Chief Planning Officer  
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E-mail: [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

**APPROVED BY**

 \_\_\_\_\_ 11/3/03  
Randy Grant Date  
Chief Planning Officer

 \_\_\_\_\_ 11/5/03  
Ed Gawf Date  
Deputy City Manager

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Existing Zoning Map
- 4A. Proposed Zoning Map
5. Stipulations
6. Additional Information
7. Proposed Amended Development Standards
8. Citizen Involvement
- 8A. City Notification Map
9. August 20, 2003 Planning Commission Remote Site Minutes
10. October 22, 2003 Draft Planning Commission Minutes
11. Ordinance No. 3534
  - Exhibit 1. Stipulations
  - Exhibit 2. Zoning Map
  - Exhibit 3. Amended Development Standards
12. Site Plan

adopted will be applied in its entirety with minimal change over that period of time. But, such rigid application would not be responsive to the natural changes and unforeseen opportunities that arise in a community as dynamic as Scottsdale. Making long-range decisions means that issues need to be periodically readdressed to reflect new or emerging circumstances.

As with any flexible policy document, there is room for interpretation on the policies and goals contained in these elements, and flexibility is needed to meet the overall objectives. (pp. 11-12)

The General Plan also states that it is designed to be a "a broad, flexible document that changes as the community needs, conditions and direction change." (p. 17) One of the areas in which changed conditions and community needs has surfaced and will continue to surface more and more in the future as vacant land available for development contracts, is the redevelopment of infill pockets like this within more mature areas of the City. The General Plan recognizes the increasing importance of infill areas: "Infill development will become more significant, and revitalization will become a major focus of activity in the community." (p. 37) Because the 1.16 DU/AC density requested is within the 1.25 allowed by the R1-35 one-per-acre district under the PRD, no General Plan Amendment is required, as the General Plan states in its description of Rural Neighborhoods; densities are "usually one house per one acre (or more) of land." (Emphasis Added.)

This request for zoning addresses a particularly challenging infill pocket area. The approximately 6.02± acre property southeast of the Cattletrack and Lincoln intersection is characterized by a combination of vacant, aging and underutilized properties. It is an area in need of investment but facing substantial impediments to redevelopment with the existing R1-43 and R1-35 zoning. It is an area in which "rigid application" of the General Plan is not "responsive" to changed conditions and in which a modest increase in the number of homes allowed is necessary to attract reinvestment.

Because Cattletrack is highly traveled for its street classification and width, fronting homes on Cattletrack makes them obviously less desirable. In addition, the vacant and deteriorating properties in this infill area create major disincentives for piecemeal acre lot development. Because of the impacts to the properties fronting on Cattletrack, homes there cannot offer the quiet, low traffic, rural, acre lot residential experience like the subdivision to the immediate west. Homebuyers want the feel of being within a community not simply in a home lined up with a row of other homes fronting a highly traveled street. Without a change in the land use designation and zoning of this area, it is likely to remain vacant, continue to deteriorate and detract from the value of surrounding properties to the north, west and south.

Providing appropriate transitional and buffering development on the heavily traveled roadway edges of neighborhoods in Scottsdale has proven essential in stabilizing adjacent interior residential neighborhoods. This stabilization of "edges" has resulted in reinvestment that eliminates deterioration and assemblages within the adjacent interior residential neighborhoods. As edges are protected and as homeowners invest in interior residential properties, the increased

single family values make the homes more desirable and too costly to assemble for rezoning. This stabilizing and preserving influence of buffering roadway edge development has been experienced along Shea Boulevard, the Hayden – 84<sup>th</sup> Street area, for example, along Scottsdale and Thomas Roads and other major arterials. In these areas, the adjacent interior residential neighborhoods have been strengthened by appropriate protection of the edges, have attracted reinvestment in their older homes, have experienced increased property values and have not been rezoned to match the edge uses as some feared they might have been.

The proposed rezoning would allow this unique in-fill pocket to develop with compatible rural styled homes on slightly smaller lots that would not have to front onto Cattletrack or Lincoln. The reinvestment in the area in these new homes at a highly desirable, in-town location would strengthen and protect the adjacent single family residential neighborhood, enhance surrounding property values and prevent the deterioration and lower values which are the primary causes of assemblage resulting in rezoning requests.

### **Site Plan**

This request for R1-35 PRD zoning on the 6.02± acre parcel at the southwest corner of Cattletrack and Lincoln will allow for the development of a unique rural character subdivision to include housing styles and designs that reflect a rural and diverse character similar to the adjacent SuCasa subdivision to the west. The new subdivision would provide a stabilizing transition from the higher density housing product to the north to the larger lot single-family homes to the south and west. It has been redesigned with only four homes next to the adjacent five homes in Su Casa. In addition, one-story low profile homes are proposed for this residential community to reflect the adjacent rural residential context to the south and west. The proposed plan meets the purposes of the PRD District, which, according to the Scottsdale Zoning Ordinance, includes imaginative and innovative site planning, permitting greater flexibility in design of residential neighborhoods and enabling the development of parcels that would be difficult to develop under conventional zoning and subdivision regulations and development standards.

The site plan has been specifically designed to integrate the proposed residential community into its rural context. The creative use of retention areas to provide visually open corners and allow views into the community avoids the totally walled-in feeling typical with many infill projects. Instead of internalizing the open space as solely an amenity for the eight homes themselves, the innovative site plan externalizes the open space making it an amenity for the entire neighborhood. The innovative site plan is internally oriented creating quiet and safe residential cul de sacs, and also protecting the privacy of residents while maintaining the rural character along Cattletrack. The streetscape along Cattletrack will include desert landscaping consistent with the surrounding residential areas and a minimal theme wall along side yards designed with a rural character along portions of Lincoln and Cattletrack. The proposed open space amenities incorporate a passive play area and a pedestrian pathway connection linking residents with the Indian Bend Wash and canal open space corridor east of Cattletrack. The link to the recreational activities such as walking, jogging and bicycling will make the proximity to the Indian Bend

Wash trail system a very desirable amenity for residents in the new subdivision. The innovative site plan, provision of common open space and open space play area and pathway amenities meet the criteria for the minimal density increase from the R1-35 district's 1.05 base density to the 1.16 proposed under the requested R1-35 PRD. Amended Development Standards have been used to tailor this difficult infill site to its unique setting and create amenities that could not otherwise be provided.

The proposed subdivision design has two cul de sac entries off of Cattletrack which eliminates multiple driveways along this minor collector frontage. The subdivision consists of 7 single-family lots ranging from approximately 25,000 s.f. to 34,000 s.f. to be constructed within the R1-35 PRD zoning district with its Amended Development Standards. On-site retention is provided in the northeast and southeast corners of the project and has been designed to function as common open space amenity areas.

#### **Amended Standards**

##### **R1-35**

<b>Development Standard</b>	<b>Ordinance Requirement</b>	<b>Proposed Amendment</b>	<b>Proposed Reduction</b>
<b>Minimum Lot Size</b>	35,000 s.f.	24,000 s.f.	30%
<b>Minimum Lot Width</b>	135'	100'	25%
<b>Flag Lot</b>	--	30'	--
<b>Minimum Front Yard Setback</b>	40'	25'	37%
<b>Minimum Rear Yard Setback</b>	35'	25'/35'	19%
<b>Minimum Side Yard Setback</b>	15'	15'	N.C.

#### **PRD Perimeter Setback Requirements**

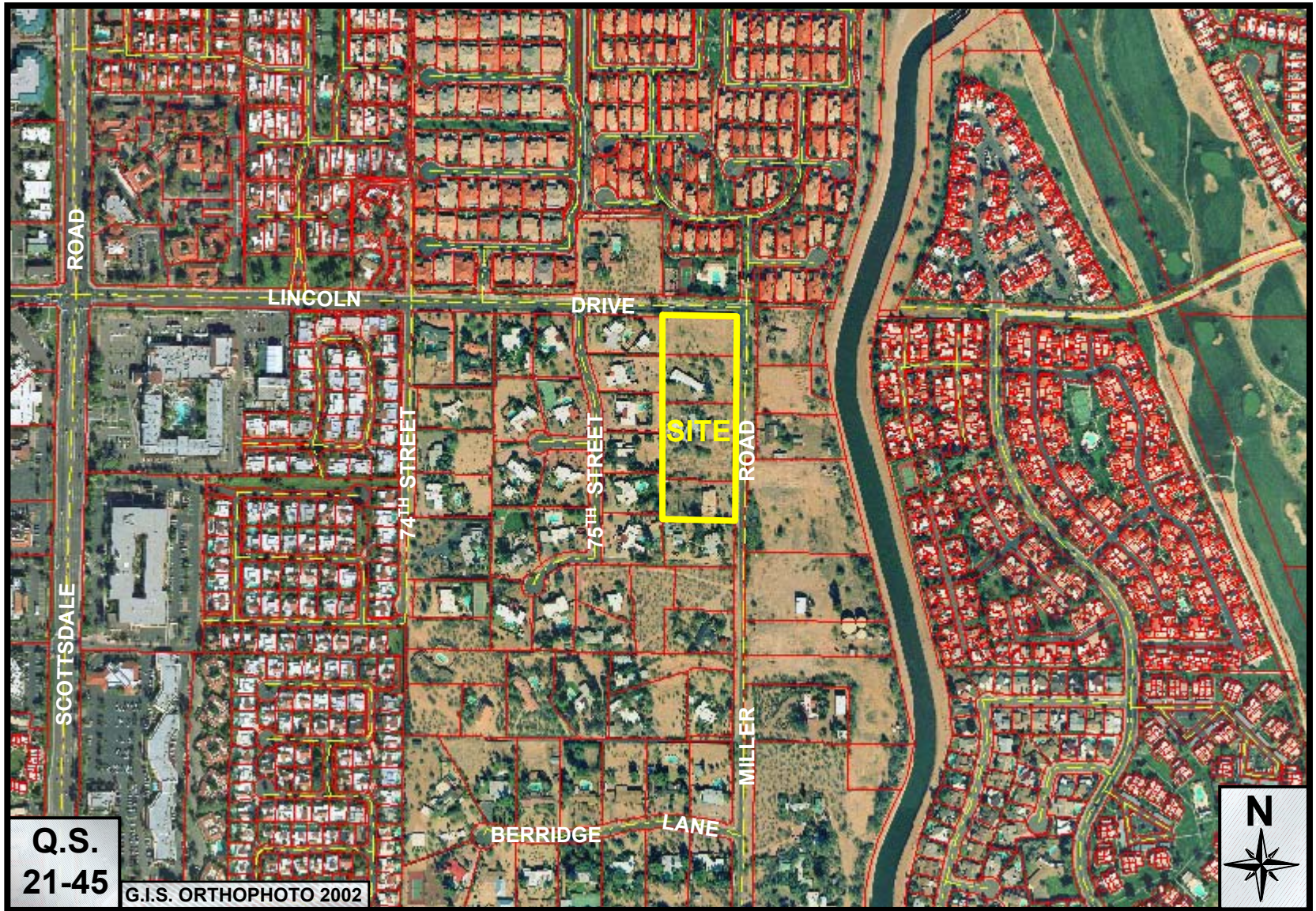
<b>Development Standard</b>	<b>R1-35 Requirement</b>
<b>Minimum Front Yard Setback</b>	40'
<b>Minimum Rear Yard Setback</b>	35'
<b>Minimum Side Yard Setback</b>	15'
<b>Applicable Location</b>	West/ South property lines



Cattletrack Ranch

12-ZN-2003

ATTACHMENT #2A

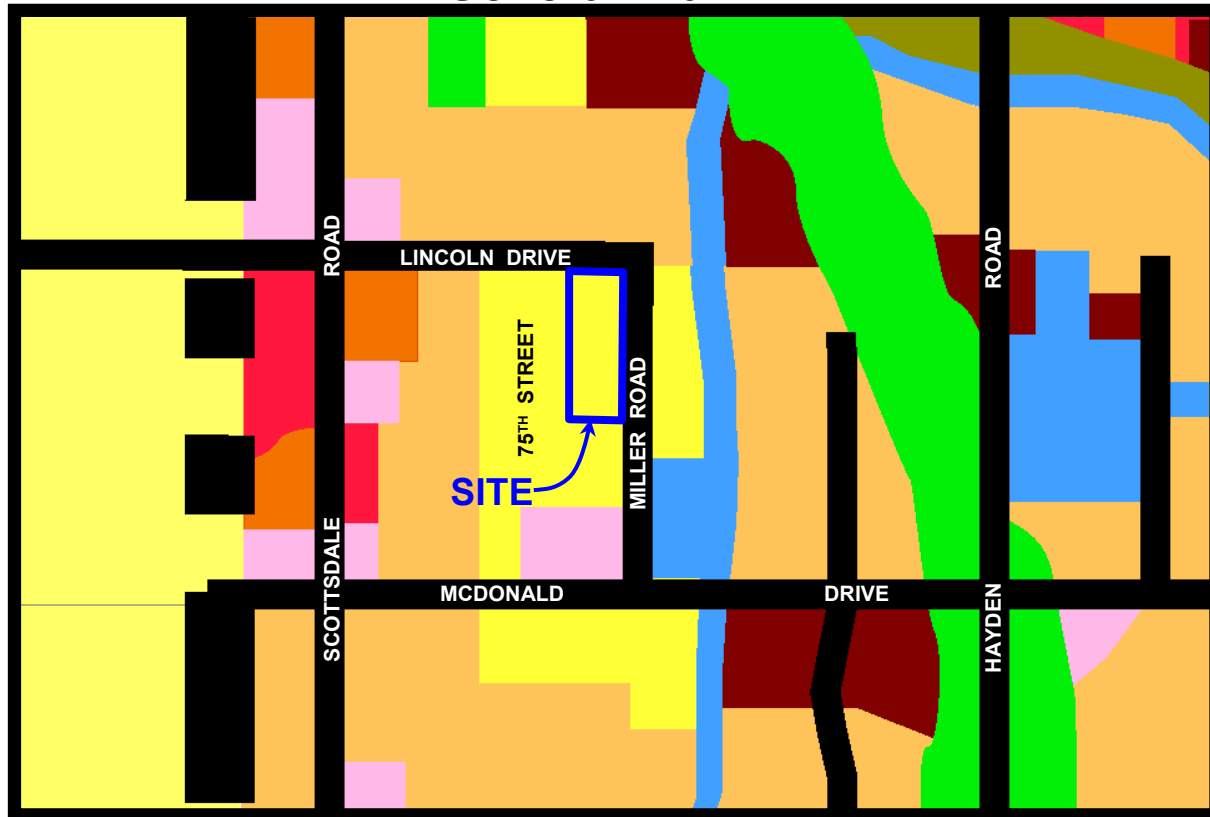


Cattletrack Ranch

12-ZN-2003

ATTACHMENT #2

# General Plan

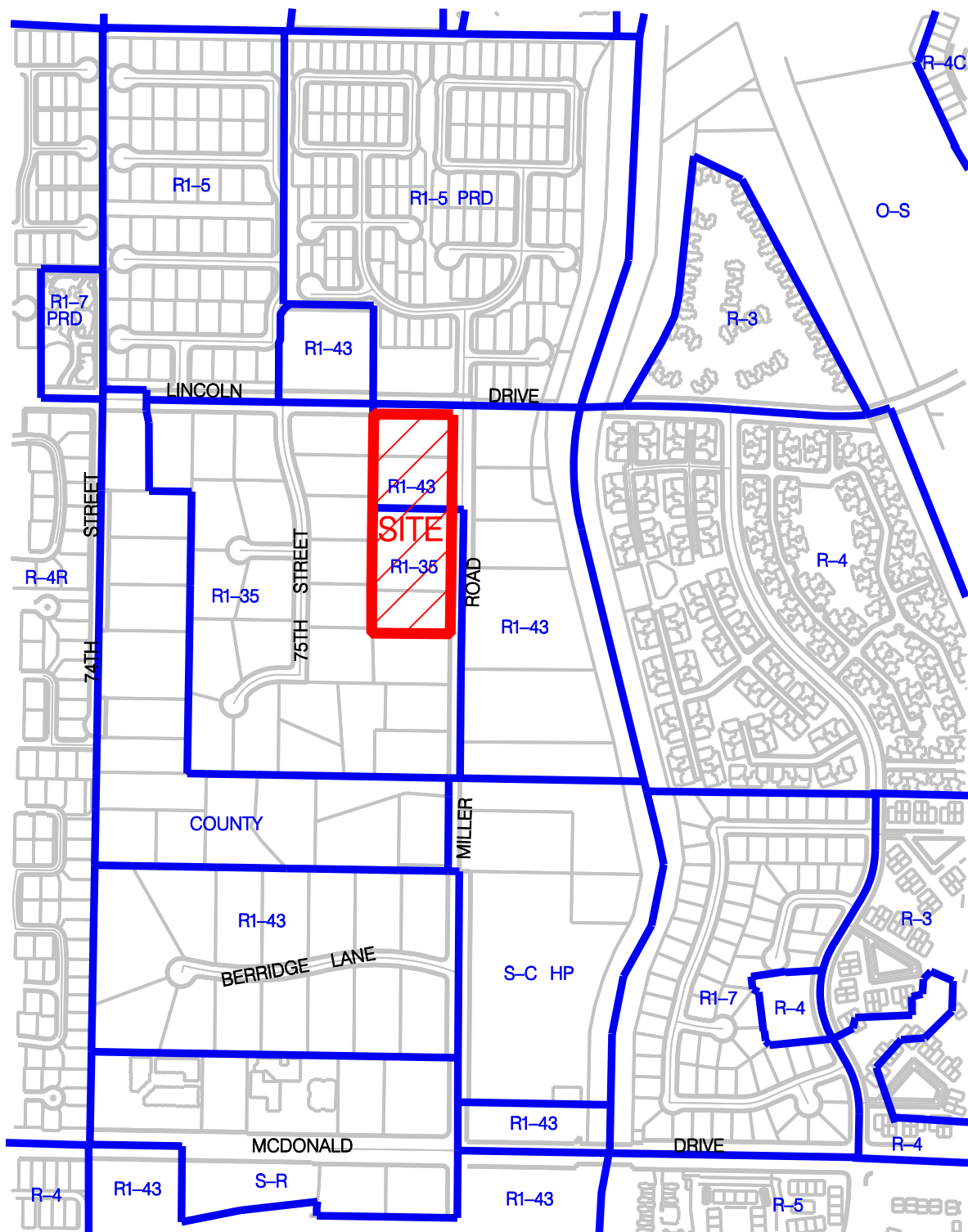


- |   |  |
|---|--|
| Rural Neighborhoods   | Commercial   |
| Suburban Neighborhoods                                      | Office   |
| Urban Neighborhoods   | Employment   |
| Mixed-Use Neighborhoods                                     | Natural Open Space   |
| Resorts/Tourism   | Developed Open Space (Parks)   |
| Shea Corridor   | Developed Open Space (Golf Courses)                                    |
| Mayo Support District                                       | Cultural/Institutional or Public Use                                   |
| Regional Use District                                       | State Trust Lands under State Land Commissioner's Order #078-2001/2002 |
| McDowell Sonoran Preserve (as of 4/2002)                    |  |
| Recommended Study Boundary of the McDowell Sonoran Preserve |  |
| City Boundary   | Location not yet determined  |



**12-ZN-2003**  
ATTACHMENT #3

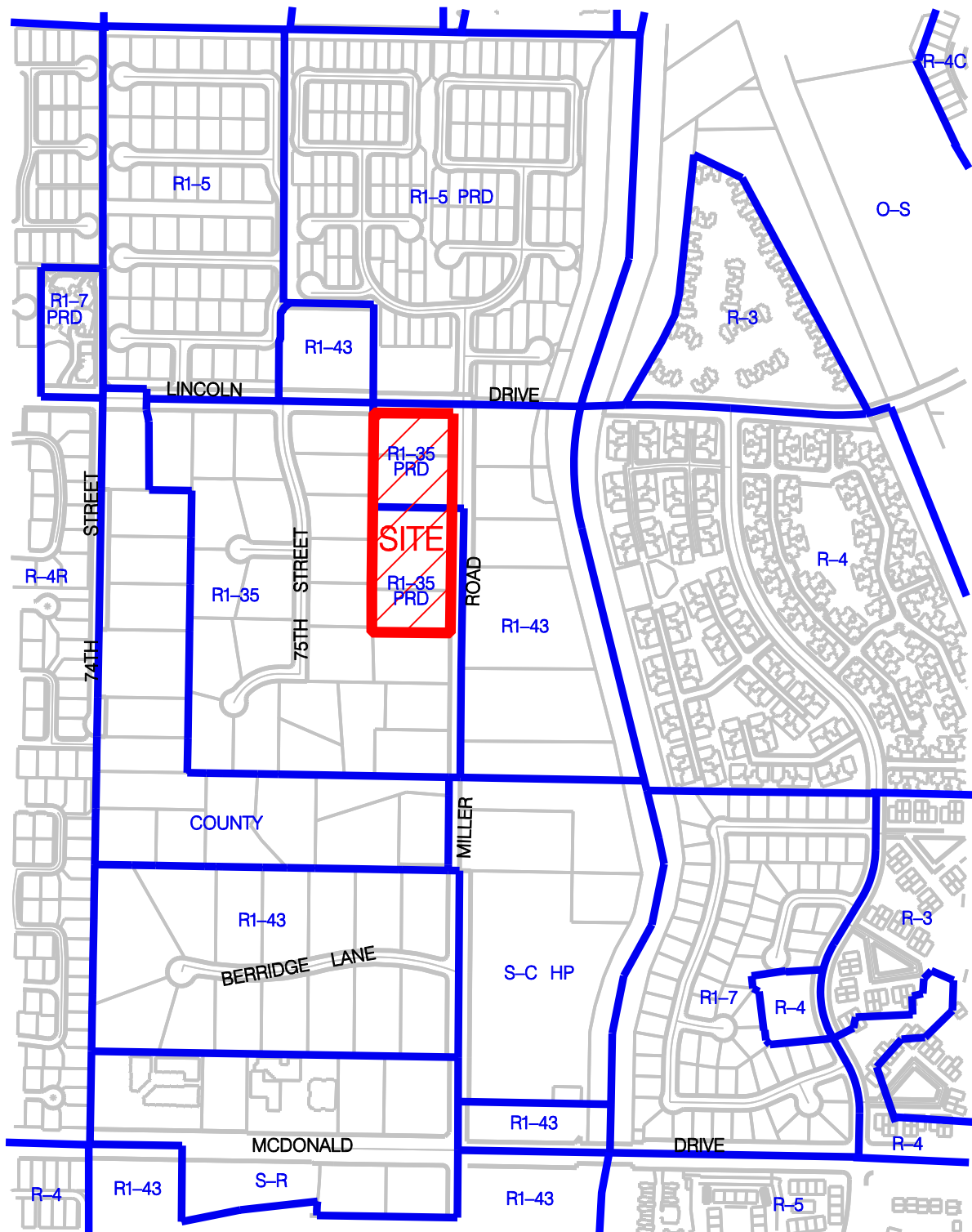
Adopted by City Council October 30, 2001  
Ratified by Scottsdale voters March 12, 2002  
revised to show McDowell Sonoran Preserve as of April 2, 2002



12-ZN-2003

ATTACHMENT #4





12-ZN-2003

ATTACHMENT #4A



## STIPULATIONS FOR CASE 12-ZN-2003

### PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO SITE PLAN.** Development shall conform with the site plan submitted by *Tornow Design Associates and dated 10/13/2003*. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** The number of dwelling units on the site shall not exceed *seven (7)* without subsequent public hearings before the Planning Commission and City Council.
3. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 24 feet in height (one story). There shall be no outside stairs or rooftop decks, patios, or balconies on Lots 2, 3, and 6.
4. **SETBACKS.** There shall be a minimum thirty five (35) foot building setback from the west and south perimeter property lines.
5. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards shown in Attachment #7 of the report. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
6. **PERIMETER WALL DESIGN.** With the Development Review Board submittal, the applicant shall submit a detailed wall plan demonstrating how the perimeter walls will be minimized by:
  - a. Providing a minimum of ten (10) foot wide setback from the perimeter wall to the street right-way-line, with an average thirty (30) foot wide setback;
  - b. Landscaping between the streets and the perimeter walls,
  - c. Meandering the perimeter walls;
  - d. Limiting the size of the perimeter walls (height and length); and
  - e. Providing an overall perimeter wall design compatible with the surrounding area.

### CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Lincoln / Minor Collector	existing	Half Street	a.
Miller (Cattletrack) Minor Collector	existing	Half Street	a.
Internal streets / local residential	access easements (joint driveways)	See note b. below	b.

- a. The developer shall complete the half street for both Lincoln Drive and Miller Road (Cattletrack) along the site frontage. The half street improvements shall consist of additional pavement as necessary to provide a minimum twelve-foot wide travel lane and ribbon curb. The developer shall provide a minimum 8-foot wide stabilized decomposed granite pedestrian/bicycle path along the south side of Lincoln Drive and the west side of Miller

- (Cattletrack) Road.
- b. The developer shall provide a minimum pavement width of 20 feet with a minimum 5-foot wide stabilized decomposed granite shoulder/sidewalk. Pavement and shoulder widths and turnaround requirements shall be subject to approval by the City Transportation Dept. and Rural Metro. Pavement and/or paver color shall be subject to approval by the Development Review Board.
2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
- a. Miller (Cattletrack) - The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
  - b. Lincoln - There will be no site driveways onto Lincoln. The developer shall dedicate a one-foot wide vehicular non-access easement on this street.
  - c. Miller (Cattletrack) - There shall be a maximum of two site driveways from Cattletrack. The northern street intersection shall be located a minimum distance of 200 feet south of Lincoln Drive, or otherwise determined by the City Transportation Dept.
-

## ADDITIONAL INFORMATION FOR CASE 12-ZN-2003

### PLANNING/DEVELOPMENT

1. **DENSITY CONTINGENCIES.** The approved density for each parcel may be decreased due to drainage issues and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
2. **FINAL LOT LOCATION.** The specific location of each lot shall be subject to Development Review Board approval.
3. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to the perimeter wall location and design, landscaping in the open space provided along the streets, and pavement/paver color in the joint driveways.
4. **NOTICE TO PROSPECTIVE BUYERS.** The developer shall give the following information in writing to all prospective buyers of lots on the site:
  - a. The development's private streets/joint driveways shall not be owned or maintained by the city.
  - b. The development's open space/common areas shall not be owned or maintained by the city.
5. **NATIVE PLANT PRESERVATION.** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

### ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

### DRAINAGE AND FLOOD CONTROL

1. **PRELIMINARY DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a preliminary drainage report and plan subject to city staff approval. The preliminary report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the preliminary drainage report and plan shall:
  - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
  - b. Determine easement dimensions necessary to accommodate design discharges.
  - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
  - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
  - e. Include a complete description of requirements relating to project phasing.
2. **FINAL DRAINAGE REPORT.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual - Drainage Report and Preparation. In addition, the final drainage report and plan shall:
3. **STORM WATER STORAGE REQUIREMENT.** Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required,  $V_r$ , and the volume provided,  $V_p$ , using the 100-year, 2-hour storm event.
4. **STORM WATER STORAGE EASEMENTS.** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

### VERIFICATION OF COMPLIANCE

1. **CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT.** Before the issuance of a Grading & Drainage Permit:
  - a. The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
  - b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
2. **CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE.** Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:

- a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
  - b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
3. **AS-BUILT PLANS.** City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

## WATER

**BASIS OF DESIGN REPORT (WATER).** The water supply service for this property is from the town of Paradise Valley, and the sewer service is through the City of Scottsdale. The applicant is responsible for new water and sewer infrastructure to service the site, and would extend existing lines in the adjacent streets.

1. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
  - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
  - b. Identify the timing of and parties responsible for construction of all water facilities.
  - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
4. **WATERLINE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

## WASTEWATER

1. **BASIS OF DESIGN REPORT (SANITARY SEWER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:

- a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
  - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
  - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WASTEWATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.
4. **SANITARY SEWER EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

#### OTHER REQUIREMENTS

1. **DUST CONTROL PERMITS.** Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
2. **UTILITY CONFLICT COORDINATION.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
3. **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ).** The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
  - a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
  - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
  - c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
  - d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
    - (1). Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:

- (2). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
- (3). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
- (4). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
- (5). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

## Amended Development Standards 12-ZN-2003

**Sec. 5.200. (R1-35) SINGLE-FAMILY RESIDENTIAL DISTRICT.**  
**Sec. 5.204. Property development standards.**

The following property development standards shall apply to all land and buildings in the R1-35 district:

- A. *Lot area.*
  - 1. Each lot shall have a minimum lot area of not less than ~~thirty-five~~ **TWENTY FIVE** thousand ~~(35,000)~~ **(25,000)** square feet.
- B. *Lot dimension.*
  - 1. Width. All lots shall have a minimum width of one hundred and ~~thirty-five~~ **(100)** feet.
  - 2. **FLAG LOTS. FLAG LOTS SHALL HAVE A MINIMUM WIDTH OF TWENTY (20) FEET.**
- C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed ~~thirty~~ **(30) TWENTY FOUR (24)** feet in height, except as provided in article VII.
- E. *Yards.*
  - 1. **Front Yard.**
    - a. There shall be a front yard having a depth of not less than ~~forty~~ **(40) TWENTY FIVE (25)** feet.
    - b. Where lots have a double frontage on two (2) streets, the required front yard of ~~forty~~ **(40) TWENTY FIVE (25)** feet shall be provided on both streets.
    - c. On a corner lot, the required front yard of ~~forty~~ **(40) TWENTY FIVE (25)** feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be side yards of not less than fifteen (15) feet on each side of a building, **EXCEPT A THIRTY FIVE (35) FOOT SETBACK SHALL BE PROVIDED ALONG THE WEST AND SOUTH PERIMETER PROPERTY LINES ABUTTING AN EXISTING R1-35 DISTRICT.**
  3. Rear Yard. There shall be a rear yard having a depth of not less than ~~thirty-five (35)~~ **TWENTY FIVE (25) feet, EXCEPT A THIRTY FIVE (35) FOOT SETBACK SHALL BE PROVIDED ALONG THE WEST AND SOUTH PERIMETER PROPERTY LINES ABUTTING AN EXISTING R1-35 DISTRICT.**
  4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
1. There shall not be less than ten (10) feet between an accessory building and the main building.
  2. The minimum distance between main buildings on adjacent lots shall be not less than thirty (30) feet.
- G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

## DEVELOPMENT STANDARDS

SUBDIVISION NAME: Cattletrack Ranch  
CASE #: 12-ZN-2003

ZONING R1-35/PRD

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS
<b>A. MIN. LOT AREA</b>	35,000sq'	25,000sq'
<b>B. MIN. LOT WIDTH</b>		
1. Standard Lot	135'	100'
2. Flag Lot		20'
<b>C. MAXIMUM BUILDING HEIGHT</b>	30'	24'
<b>D. MIN. YARD SETBACKS</b>		
1. FRONT YARD		
• FRONT (to face of building)	40'	25'
• FRONT (to face of garage)	40'	25'
• FRONT (corner lot, side street)	40'	25'
• FRONT (corner lot, adjacent to key lot, side street)	40'	25'
• FRONT (double frontage)	40'	25'
2. SIDE YARD		
• Minimum	15'	15'
• Minimum aggregate		
3. REAR YARD		
• Standard Depth	35'	25'
		35' along west and south perimeter property lines
• Min. Depth (% of difference which can be occupied)		
<b>E. DISTANCE BETWEEN BUILDINGS (MIN)</b>		
1. Accessory & Main	10'	10'
2. Main Buildings/Adjacent Lots	30'	30'
<b>F. MAXIMUM WALL HEIGHT</b>		
1. FRONT	3'	3'
2. SIDE	8'	8'
3. REAR	8'	8'
4. Corner side not next to key lot	8' on PL	8' on PL
5. Corner fence height (on prop line)	6' on PL	6' on PL
<b>G. DEVELOPMENT PERIMETER SETBACKS</b>		35' along west and south perimeter property lines
<b>H. APPLICABLE ZONING CASES</b>		12-ZN-2003
<b>I. NOTES &amp; EXCEPTIONS</b>		

**Curtis, Tim**

---

**Subject:** FW: Cattletrack Ranch comment letter

-----Original Message-----

**From:** GZRACKET@aol.com [mailto:GZRACKET@aol.com]

**Sent:** Thursday, October 23, 2003 11:37 AM

**To:** jdolan@ci.scottsdale.az.us

**Subject:** A day late

Dear Planning Commissioner:

The request before you on October 22, for the rezoning project submitted by Lynn LeGarde for the residential project at Cattletrack and Lincoln (12-ZN-2003) undermines the spirit and intent of the voter adopted General Plan and abuses the use of development Amended Standards.

Now that the applicant has withdrawn the GP amendment request, a new argument is being placed before you to apply Amended Development Standards in order to achieve greater development density. By and of itself, an "amended standard" is an oxymoron.

A standard is a standard. Amending it only makes the required setbacks, lot sizes, etc., just another zoning category. One could appreciate using an Amended Standard when an obstacle or hardship in the terrain or landscape prohibits or obstructs full utilization of the site. Like a large boulder, a stream, excessive sloping, or unstable earth. But in the case of 12-ZN-2003 proposal, the use of amended standards is nothing more than a way of circumventing the intent and spirit of the current GP and zoning ordinance criteria.

The Project Narrative describes Cattletrack as "a highly traveled street for its classification." Exactly. And the proposed density increase adds more traffic to a street that no longer serves a predominately large lot residential area, but as an expressway for commuter cars and all types of service vehicles as an expressway from to/from Lincoln Drive.

The vacuous argument that "fronting homes on Cattletrack makes them obviously less desirable" flies in the face of those "obviously less desirable" \$2mm+ homes at Cheney ranch fronting on Scottsdale Rd. or all those mega value homes fronting along Lincoln Drive. Both major arterials compared to two lane Cattletrack.

The request before you on October 22 shows nearly ALL of the Ordinance requirements of both the R1-35 and PRD Perimeter Setback Requirements being reduced from 19 % to 37% to accommodate this request for greater density. Adopting these amendments for using the R1-35 zoning category would, in essence be approving a different zoning category.

The Project Narrative further argues that the voter adopted General Plan should not be applied with "rigid application." If the City Council desires changing the GP then it is certainly allowed to do so under the rules prescribed by Arizona State Law in changing or adopting a general plan. The current General Plan was approved by voters and should not be tampered with it because a rezoning application is attempting to circumvent the letter and spirit of the General Plan by applying "amended standards" to a zoning category in which the site does not meet adopted requirements.

Uholding the intent and spirit of the General Plan as the voters of Scottsdale wanted when they adopted it and strictly applying the prescriptions provided by the Scottsdale Zoning Ordinance mandates that the Planning & Zoning Commission vote to notrecommend approval of 12-ZN-2003.

11/03/2003

**ATTACHMENT #8**

The applicant's site exhibits no hardship or obstacles which might justify amending current zoning standards.

Thank you.

George Zraket

11/03/2003

**Doug Wattier**

---

**From:** "Doug Wattier" <dwattier@cox.net>  
**To:** <dgulino@idservices.net>; <itheitel@mindspring.com>; <redbirdbranch@earthlink.net>;  
<dbarnett11@aol.com>; <jas1722@aol.com>; <ssaz@futureone.com>; <ericlness@msn.com>  
**Sent:** Wednesday, October 22, 2003 9:15 AM  
**Subject:** Cattletrack & Lincoln Rezoning Petition

Thank you for listening to our concerns at the September meeting. We did not want to see the General Plan amended.

We have been talking with the applicants and we do support their request for rezoning to R1-35 PRD to enable them to put seven homes on their 5.5 acres (net) 6+ acres (gross) land parcel.

We sincerely appreciate their willingness to change their request to compromise with the surrounding neighbors.

Doug Wattier and Lillian Leffmann  
7502 E. Berridge Lane  
Phone: 480-951-2544

10/22/2003

## Petition Against the Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

We sincerely believe that the proposed General Plan Amendment will forever alter the rural ambience of our neighborhood and ultimately devalue our individual properties and lifestyle. Since this is one of the few remaining rural neighborhoods in central Scottsdale, preserving and protecting its integrity is of paramount importance to all current landowners in the area and should be weighed carefully by all concerned. The desert flavor and lifestyle enjoyed by all can never be recaptured once it is "developed" to meet the needs of a few.

Print Name

Signature

Address

Date

1. Lillian Lettmann *Lillian L. Lettmann* 7502 E. Berridge 6/28/03
2. DOUGLAS WAT TIER *Douglas L. Watter* 7602 E. BERRIDGE 6/28/03
3. *Marian Coleman* *Marian Coleman* 7524 E. Berridge 6/28/03
4. *Wendie Kerner* *Wendie Kerner* 7603 E. Berridge 6/28/03
5. *Stephen Bond* *Stephen Bond* 7501 E. Berridge 6/28/03
6. Dennis C. Meyers *Dennis C. Meyers* 7410 E. Whispering Winds Rd 8/5/03
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
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18. \_\_\_\_\_

## Petition Against the Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

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Print Name	Signature	Address	Date
1. ELIZABETH BERNARD	<i>Elizabeth Bernard</i>	7501 E Berridge	6/28/03
2. Eva Margenstern	<i>Eva Margenstern</i>	7426 E Berridge	7/4/03
3. SARAH MARGENSTERN	<i>Sarah Margenstern</i>	7426 E Berridge	7/4/03
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## Petition Against the Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

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Print Name	Signature	Address	Date
1. William Bluestone	[Signature]	7421 E. Beaverton Ln	7.1.03
2. Robin Bluestone	[Signature]	" "	7.1.03
3. David Bluestone	[Signature]	7421 E. Beaverton Ln	7.1.03
4.			
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## Petition Against the Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

We sincerely believe that the proposed General Plan Amendment will forever alter the rural ambience of our neighborhood and ultimately devalue our individual properties and lifestyle. Since this is one of the few remaining rural neighborhoods in central Scottsdale, preserving and protecting its integrity is of paramount importance to all current landowners in the area and should be weighed carefully by all concerned. The desert flavor and lifestyle enjoyed by all can never be recaptured once it is "developed" to meet the needs of a few.

	Print Name	Signature	Address	Date
1.	ALLEN BONE	Allen M. Bone	7512 E. BARRIDGE LANE	7-22-03
2.				
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July 23, 2003

Tim Curtis  
Project Coordination  
City of Scottsdale  
7447 E. Indian School Road  
Scottsdale, AZ 85251

Re: South of the Southeast Corner of Cattletrack and Lincoln

Dear Tim:

As owner of the property at the above-referenced location, we are in agreement with the proposed General Plan Amendment from Rural Neighborhoods to Suburban Neighborhoods being reduced to the 5.5 acres on the west side of Cattletrack. We remain in strong support of the proposed GPA and rezoning for this property.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. J. ...', is written over the word 'Sincerely,'.

PATRICK G. GAIMARI

7442 E. Century Drive  
Scottsdale, AZ 85250-4628  
(480) 922-1451

May 15, 2003

Ms. Lynn Lagarde  
Earl, Curley & Lagarde, P.C.  
3101 North Central Avenue  
Suite 1000  
Phoenix, AZ 85012

Dear Ms. Lagarde:

Early in 2003, your client, Diann Henderson, contacted the undersigned regarding a petition she was circulating to change the zoning on two parcels of land on the southwest corner of Lincoln and Cattletrack Roads in Scottsdale.

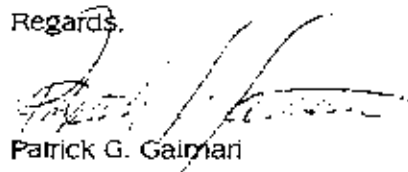
Diann explained that she and the owner of the second parcel desired to tear down the existing houses on the two properties and build new houses, increasing the density to two per acre. As stated, I had no objections and signed the petition.

It has now come to light that this project entails many more lots (acreage) than the original stated plan. Your General Plan Amendment which was filed with the City of Scottsdale proposes the redesignation of approximately 17.5 acres from Rural Neighborhood to Suburban Neighborhood. The additional lots in your proposal far exceed the original plan presented to me. Additionally, there now is the need to change the classification of this area. Thirdly, one of the lots is part of my subdivision, Su Casa. As our CC&Rs clearly state that the density may not exceed one house per acre, this lot must secede from our subdivision in order to comply with your client's plan.

I want to clearly go on record that I am OPPOSED to all of the above and rescind my signature on this petition.

If you have any questions regarding this matter, please do not hesitate to contact me. I would look forward to discussing this matter with you.

Regards,



Patrick G. Gaimari

CC: Tim Curtis, City of Scottsdale Planning Department

ROBERT T. KLINE, JR.

7431 E. Century Drive  
Scottsdale, AZ 85250-4628  
(480) 998-2545

May 15, 2003

Ms. Lynn Lagarde  
Earl, Curley & Lagarde, P.C.  
3101 North Central Avenue  
Suite 1000  
Phoenix, AZ 85012

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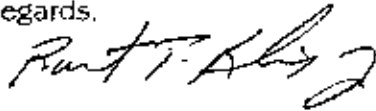
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It has now come to light that this project entails many more lots (acreage) than the original stated plan. Your General Plan Amendment which was filed with the City of Scottsdale proposes the redesignation of approximately 17.5 acres from Rural Neighborhood to Suburban Neighborhood. The additional lots in your proposal far exceed the original plan presented to me. Additionally, there now is the need to change the classification of this area. Thirdly, one of the lots is part of my subdivision, Su Casa. As our CC&Rs clearly state that the density may not exceed one house per acre, this lot must secede from our subdivision in order to comply with your client's plan.

I want to clearly go on record that I am OPPOSED to all of the above and rescind my signature on this petition.

If you have any questions regarding this matter, please do not hesitate to contact me. I would look forward to discussing this matter with you.

Regards,



Robert T. Kline, Jr.

✓ CC: Tim Curris, City of Scottsdale Planning Department

16 June 2003

**City of Scottsdale**

Planning & Development Services

Current Planning

**Attention: Mr. Tim Curtis, AICP**

7447 East Indian School Road, Suite #105

Scottsdale, Arizona 85251

CERTIFIED MAIL Return Receipt Requested  
Receipt Number: 7000 1670 0013 0935 3162

**Re: Cattletrack & Lincoln General Plan Amendment: 2-GP-2003**

Dear Mr. Curtis;

I want to formally, in writing, state that I am an interested party and a concerned citizen with regard to the referenced (basic and amended) Cattletrack & Lincoln General Plan Amendment and the associated rezoning application on file with the City of Scottsdale, Arizona. Additionally, I want to clearly state that I am **OPPOSED** to all activities associated with changing the characterization of these properties under the Land Use and Character and Design Elements of the General Plan from Rural Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character. In my opinion, it is inappropriate for the City to make this change affecting a very small area of land (5.5 acres), for the benefit of a small group of private investors and real estate developers without considering the potentially negative impact on the surrounding areas of the City and the opposing desires of the "rural" landowners within a reasonable area of influence.

In particular, I would challenge the application statements in the following areas:

1. Open space will be provided in the subdivisions which would be unlikely to be provided were these properties to develop under their existing General Plan designation (Rural) and zoning (R1-43) – I can not understand how increasing the population and dwellings in the area by a factor of two will increase the open space;
2. The impacts of not making the change are far more potentially negative – I strongly disagree;
3. The impact on the water use per year will be minimal – I think the water use will double from its current volume during a critical period of extended drought;
4. The impact on wastewater and solid waste generation will be minimal – I think these two wastes will double in quantity;
5. The increase in vehicle trips of 170 per day are well within the roadway capabilities – Cattletrack has become a major "cut through street" during the morning and afternoon workday commuting times, already overloading the roadway's capabilities, causing safety hazards and noise impacts; and
6. The proposal has been well received and supported by the surrounding property owners and homeowners associations – I strongly disagree.

I sincerely believe that the proposed change will forever alter the rural ambience of our neighborhood and ultimately devalue our individual properties and lifestyle. Since this is one of the few remaining rural neighborhoods in central Scottsdale, preserving and protecting its integrity is of paramount importance to all current landowners in the area and should be weighed carefully by all concerned. The desert flavor and lifestyle enjoyed by all can never be recaptured once it is "developed" to meet the needs of a few.

Sincerely,



Harry A. Jupin  
7437 East Bridge Lane  
Scottsdale, Arizona 85250

2-GP-2003

Curtis, Tim

---

**From:** Richard Sachs [w6leu@cablenet.net]  
**Sent:** Friday, June 20, 2003 3:36 PM  
**To:** Curtis, Tim  
**Subject:** 2-GP-2003 Cattletrack & Lincoln Dr.

Richard D. Sachs

Cynthia A. Sachs

7432 E. Century Dr.

Scottsdale AZ 85250

480 991-1102

20 June 2003

Mr. Tim Curtis

City of Scottsdale

Current Planning Services

7447 E. Indian School Rd., #105

Scottsdale AZ 85251

re: 2-GP-2003

Cattletrack and Lincoln Dr. proposed General Plan Amendment

Dear Mr. Curtis;

We are **strongly opposed** to the proposed General Plan amendment from rural neighborhoods to suburban neighborhoods and from rural character to suburban character. These changes would have a very detrimental effect on our neighborhood. Our home is located in the Su Casa subdivision which is a wonderful, unique area in central Scottsdale of large one acre lots and rural ambience. We purchased our home exactly because it was in an older, established

06/23/2003

neighborhood with the idea that we could live in security with a great deal of privacy—in the middle of Scottsdale. This neighborhood is an absolute jewel and should be preserved.

This effort currently under consideration is just the first incremental step down a path that will forever decimate our quality of life. Once the first change is allowed to occur the stage will be set for similar changes in surrounding properties. The character of the entire neighborhood will be lost, the charm and appeal will never be recaptured. Sadly, our neighborhood has become a rarity in Scottsdale due to the past approval of projects similar to the presently proposed redevelopment.

We will adamantly oppose any attempt to allow the parcel on Cattletrack to secede from Su Casa just as we will oppose the rewriting of our CC & R's by the developers. It is hypocritical for the developers to amend our CC & R's for their benefit and dictate to the residents of Su Casa how we will comport ourselves. The residents of Su Casa should have total control over our neighborhood, not the developers.

We feel the developers have been quietly attempting to get approval of this amendment without the knowledge of surrounding neighbors. At no time were we ever contacted by developers either in person, telephone or mail. The first time we were made aware of this effort was by way of a postcard from the City of Scottsdale. There are a number of inaccuracies in developers General Plan Amendment Narrative, one that is particularly offensive states: "...applicant secured the support of the residential neighborhood to the west..." and further states: "The proposal has been well received and supported by the surrounding property owners and homeowners associations." Neither of these statements as it relates to us is remotely correct.

The developers have made a significant investment in both time and money thus far. Perhaps they would be better served to relocate this project to another location that has the proper zoning. Instead, they are trying to recoup their costs and make a capital gain on the backs of the neighboring residents through rezoning a parcel that is unsuitable for the proposed use. The developers will be long gone and we will be left to deal with the results of their greed.

We thank you for your time and consideration in this matter.

Sincerely,

06/23/2003

Richard D. Sachs

Cynthia A. Sachs

City of Scottsdale  
Planning & Development Services  
Current Planning  
Attention: Mr. Tim Curtis, AICP  
7447 E. Indian School Road, Suite #105  
Scottsdale, Arizona 85251

June 30, 2003

CERTIFIED MAIL Return Receipt  
No. 7002-0860-0000-9963-3814

**Re: Cattletrack & Lincoln General Plan Amendment: 2-GP-2003**

Dear Mr. Curtis:

We believe that most of the arguments stated in the Project Justification Narrative for the General Plan Amendment 2-GP-2003 have very little merit. Although the GPA application has been amended to include only 5.5+ acres we are still very opposed to the change in neighborhood designation from Rural to Suburban.

That property is not surrounded by vacant property. The only vacant property is that in the proposed amendment. The stated inability to sell the property is more likely due to the asking price that was considerably above the average rate for the area.

The surrounding area consists of the SuCasa Subdivision and contiguous land including Berridge Lane. The area of the proposed change is in fact part of this beautiful residential neighborhood. Visitors and prospective buyers are impressed with the rural atmosphere. Many homes have been remodeled or rebuilt. 7600 Lincoln and Lincoln Place are across Lincoln Drive and are walled communities not considered part of the neighborhood.

The Arizona American Water Company, formerly the Paradise Valley Water Company, is on the east side of Cattletrack. Their unused property will be converted to an arsenic treatment plant sometime during the next two years according to Jim Campbell, the company President. They are a quiet neighbor and do not contribute to increased traffic as will the increased density housing proposal. The Arts Campus is at Cattletrack and McDonald and traffic it generates tends to go directly to McDonald.

We believe the proposed change will increase the problems rather than solve them.

- Open space will be lessened rather than increased.
- Water and waste usage will be increased.
- Vehicular traffic will be increased.

The surrounding neighbors do not "well receive or support " the proposed amendment. It will contribute to the disappearance of this island of rural character cherished by the great majority of its inhabitants.

**Please do not recommend approval.**

Thank you.

*Douglas Watten & Gillian Luffmann* 7502 E Berridge Lane  
480-951-2544

CC: City Council Members and Planning Commission Members

26 June 2003

City of Scottsdale  
Planning & Development Services  
Current Planning  
Attention: Mr. Tim Curtis, AICP  
7447 East Indian School Road, Suite #105  
Scottsdale, Arizona 85251

CERTIFIED MAIL Return Receipt Requested  
Receipt Number:

Re: Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

Dear Mr. Curtis:

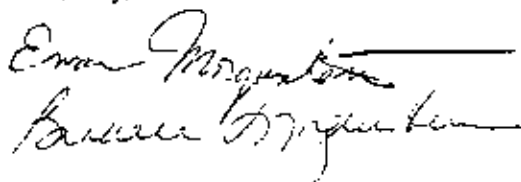
I want to formally, in writing, state that I am an interested party and a concerned citizen with regard to the referenced (basic and amended) Cattletrack & Lincoln General Plan Amendment and the associated rezoning application on file with the City of Scottsdale, Arizona. Additionally, I want to clearly state that I am **OPPOSED** to all activities associated with changing the characterization of these properties under the Land Use and Character and Design Elements of the General Plan from Rural Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character. In my opinion, it is inappropriate for the City to make this change affecting a very small area of land (5.5 acres), for the benefit of a small group of private investors and real estate developers without considering the potentially negative impact on the surrounding areas of the City and the opposing desires of the "rural" landowners within a reasonable area of influence.

In particular, I would challenge the application statements in the following areas:

1. Open space will be provided in the subdivisions which would be unlikely to be provided were these properties to develop under their existing General Plan designation (Rural) and zoning (R1-43) – I can not understand how increasing the population and dwellings in the area by a factor of two will increase the open space;
2. The impacts of not making the change are far more potentially negative – I strongly disagree;
3. The impact on the water use per year will be minimal – I think the water use will double from its current volume during a critical period of extended drought;
4. The impact on wastewater and solid waste generation will be minimal – I think these two wastes will double in quantity;
5. The increase in vehicle trips of 170 per day are well within the roadway capabilities – Cattletrack has become a major "cut through street" during the morning and afternoon workday commuting times, already overloading the roadway's capabilities, causing safety hazards and noise impacts; and
6. The proposal has been well received and supported by the surrounding property owners and homeowners associations – I strongly disagree.

I sincerely believe that the proposed change will forever alter the rural ambience of our neighborhood and ultimately devalue our individual properties and lifestyle. Since this is one of the few remaining rural neighborhoods in central Scottsdale, preserving and protecting its integrity is of paramount importance to all current landowners in the area and should be weighed carefully by all concerned. The desert flavor and lifestyle enjoyed by all can never be recaptured once it is "developed" to meet the needs of a few.

Sincerely,



26 June 2003

City of Scottsdale  
Planning & Development Services  
Current Planning  
Attention: Mr. Tim Curtis, AICP  
7447 East Indian School Road, Suite #105  
Scottsdale, Arizona 85251

Re: Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

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Sincerely,

Los Zorro  
Richard R. Rullo

City of Scottsdale  
Planning Commission  
Attention: Ms. Doris McClay  
3939 N. Drinkwater Boulevard  
Scottsdale, Arizona

July 23, 2003

Re: Cattletrack & Lincoln General Plan Amendment: 2-GP-2003

Dear Ms. Doris McClay:

Several of the key points in the Project Justification Narrative for the General Plan Amendment 2-GP-2003 are not true as stated. Even though the GPA application has been recently amended down to only 5.5 acres, I stand in opposition to the change from Rural to Suburban in the neighborhood character designation.

The 5.5 acres are not surrounded by vacant property as stated. The vacant property is in fact the stated 5.5 acre parcel. The small remnant area in need of redevelopment they state is actually the acres they have compiled in order to develop themselves. Their stated inability to sell is due to their inflated prices for the properties which are not in line with comparable sales in the area. The narrative mentions the obstacles to attracting reinvestment are due to traffic and noise impacts. These are precisely the reasons to not allow further density development in the area, and the exact reason to uphold the Rural neighborhood designation.

The narrative mentions repositioning homes on Cattletrack as an option for development and that reinvestment in the area cannot be accomplished without the proposed General Plan Amendment. There are several viable options to the existing one per acre options without any change to the neighborhood designation. Several of us in the immediate area have accomplished infill development to our homes without trying to change the neighborhood for our benefit.

The narrative states without this change the area is likely to remain vacant and continue to deteriorate and detract from the values of the surrounding area. This is absolutely a self-serving statement and quite untrue. There are attractive infill options for the all owners to work within the one per acre rules stated in the Rural neighborhood designation, and that is exactly what all the other property owners have been entertaining in the area. This small area of Cattletrack down to McDonald is an oasis in Scottsdale. It is a unique area where open space and a rural residential setting are still respected. The combination of the art campus and a quiet neighbor, The Arizona American Water Company, make for a well balanced and historical neighborhood. The surrounding neighbors do not support the proposed amendment. We would rather protect our rural character and neighborhood than contribute to its demise in the interest of a few. There are many other options for the very few stated properties than to change a neighborhood designation which will affect all of us.

**Please do not recommend approval.**

Thank you for your time and your attention in this matter.

Sincerely,

*Allan N. Bone*

Allan N. Bone  
7512 E. Berridge Lane  
Scottsdale, Arizona 85250

CC: City Council Members and Planning Commission Members

**UPDATED JUNE 2003  
GENERAL PLAN AMENDMENT  
CITIZEN NOTIFICATION & PUBLIC INVOLVEMENT REPORT  
2-GP-2003**

Prior to any contact with the City and to filing a pre-application meeting request for the proposed General Plan Amendment (GPA), neighbors in the adjacent single-family home subdivision to the west, property owners to the east, south and north, including the homeowners associations of both Lincoln Place and 7600 Lincoln, were contacted to discuss and comment on the proposed GPA, initially only 5.5 acres. Robert Isbell, president of the Lincoln Place Homeowners Association, and Paul Fox, president of 7600 Lincoln Homeowners Association, were contacted by telephone on December 3, 2002, and December 9, 2002, respectively, and advised of the proposal. A request was also made for the opportunity to meet with their HOA Boards. After a telephone call to Cindi Golding on December 10, 2002, an initial meeting was held with Cindi, as a representative of the 7600 Lincoln Board, on December 12, 2002. The full GPA and rezoning proposal on the 5.5 acres was discussed with Cindi, who later called and asked for a presentation at the annual HOA meeting. On Monday, November 16, 2002, a presentation of the proposed 5.5 acre GPA and rezoning was given to the Lincoln Place Homeowners Association Board of Directors, and on Saturday, January 18, 2003, the presentation was made to the 7600 Lincoln annual HOA meeting as requested.

In addition to these larger group presentations, Diann Henderson contacted her subdivision neighbors by going door-to-door in the December, 2002, through February, 2003 time period. She also discussed her proposal with John Thomas, Jr., B. J. Gonzales and Janic Ellis, other surrounding property owners. Additional contacts included meetings and telephone calls with John Hink in February and March, as well as responding to calls from Earl Schwartz of 7600 Lincoln Place and Judy Weldon after the posting of the property. Officials of the Arizona American Water Company have been contacted by telephone and have met to discuss the project as well. As a result of discussions with Staff prior to submittal, the GPA area was expanded to include the 12± acre area east of Cattletrack. The Under Consideration sign was posted on April 14, 2003. The letter giving notice of both the request and the Open House meetings on April 29, May 5 and May 19 was mailed to all property owners within 750 feet.

In discussions at these initial Open House meetings on the expanded 17.5± acre GPA area, the neighbors in the area expressed general support of the GPA on the 5.5 acre Henderson/Zink property, provided that the property were rezoned at the same time to the 2.0 per acre proposal, but expressed opposition to extending the GPA request to the 12 acres east of Cattletrack without an accompanying rezoning. The neighbors were concerned that the Suburban Neighborhood designation allowed up to 8 units per acre and without an accompanying rezoning to confirm that only two units per acre would be developed on the property east of Cattletrack, they could not support an open ended GPA for that area. As a result of this neighborhood input, the GPA application has been amended to withdraw the 12 acre property east of Cattletrack Road.

The GPA proposal on the 5.5 acres has been well received and is generally supported by the neighbors and homeowners associations with whom it has been discussed. As a result of neighborhood input relative to concerns for high-quality design, single-story and property value enhancement, minor adjustments have been made to the planned rezoning request to address these concerns. Copies of the neighborhood petition in support of the proposal and the letter of support from Robert Isbell on behalf of the Lincoln Place Homeowners Association have been submitted.

Two additional Open House meetings have been scheduled for July 8, and September 3, 2003, to discuss both the amended GPA and the rezoning application. The attached letter is being mailed to all property owners with 750 feet all those who either called for information about the request or attended the initial Open House meetings.

0:\projects\LincolnPlace\LincolnPlace\GPA\PLAN.doc

EARL, CURLEY & LAGARDE, P.C.  
ATTORNEYS AT LAW

Telephone (602) 265-0094  
Fax (602) 265-2195

3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

June 10, 2003

Re: Henderson/Cattletrack and Lincoln  
2-GP-2003

Dear Property Owner or Interested Party:

We wish to advise you that in response to neighborhood concerns about an expanded General Plan Amendment (GPA) area, we have submitted to the City of Scottsdale the attached amendment to the above-referenced GPA application to withdraw the approximately 12± acres east of Cattletrack Road, which we added on the City's advice. We are providing exhibits depicting both the original 17.5± acre GPA boundary and the revised, current, 5.5± acre GPA boundary. We have also enclosed a revised project narrative summary that reflects withdrawal of the 12 acres. Although the requested change is from Rural Neighborhoods, which allows one dwelling unit per acre, to Suburban Neighborhoods, which would allow 2 to 8 dwelling units per acre on the 5.5 acres, we are filing a rezoning on the 5.5 acre parcel limiting it to 2 units per acre.

We would like to invite you to follow-up Open House meetings scheduled to discuss our amended GPA request and rezoning submittal. At the request of neighbors, the Open House meetings will be held from 5:30 p.m. to 7:00 p.m. instead of the earlier times. The first Open House will be on Tuesday, July 8, at the Henderson residence located at 6337 N. 75<sup>th</sup> Street, Scottsdale, Arizona 85250. Because our GPA and rezoning cases will not be heard by the Planning Commission and City Council for several months, we will have a second Open House from 5:30 p.m. to 7:00 p.m. on Wednesday, September 3, at the Henderson home closer to the hearings to make sure that those neighbors who were not in town on July 8, have another opportunity to participate. Please mark these dates on your calendar. If neighbors wish to meet any time between these July and September dates, we will be happy to do so.

Also, make note of the Planning Commission hearing dates of Wednesday, August 20, for the initial hearing on the GPA, at which only testimony will be taken but no action by the Commission, and Wednesday, September 10, at which both the GPA and rezoning will be presented and could be acted upon by the Commission. The City Council hearing date is tentatively scheduled for Tuesday, October 28, and will be confirmed after the Planning Commission makes a recommendation.

If you are unable to attend the Open Houses, please call with any questions or any concerns that you may have regarding this proposal.

Very truly yours,

*Lynne A. Lagarde*  
Lynne A. Lagarde

Cc: Diann Henderson  
Alexander Zink

OUTGOING MAILING LABEL & ENVELOPE INFORMATION 1-02-03

EARL, CURLEY & LAGARDE, P.C.  
ATTORNEYS AT LAW

Telephone (602) 265-0094  
Fax (602) 265-2195

3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

February 4, 2003

VIA FACSIMILE  
602-532-7120

Robert J. Isbell  
Lincoln Place Homeowners Association  
7424 E. McClellan Lane  
Scottsdale, Arizona 85250

Re: Henderson/Cattletrack and Lincoln

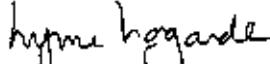
Dear Bob:

Our client Diann Henderson and I appreciated the opportunity to present Diann's proposal for a new residential community on the 5.5 acre parcel at the southwest corner of Cattletrack and Lincoln adjacent to her home at the corner of Lincoln and 75<sup>th</sup> Street. It was our understanding that the Board supported and did not object to Diann's proposal based upon the following:

1. No more than 11 homes on the 5.5 acre property at a density of 2 units per acre
2. Single-story only
3. Custom homes of quality and design compatible with the area in the 4,000 square foot plus range, with potentially a basement, and in the price range of \$750,000 to \$850,000 plus
4. Entry to the residential community on Cattletrack not Lincoln
5. No construction traffic on Lincoln
6. Limitation of construction hours in consideration of adjacent residential uses

If this is an accurate understanding of the position of Lincoln Place, we would appreciate your signing as indicated below, or sending us a letter to confirm.

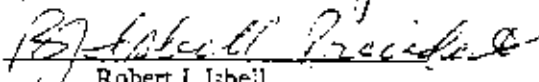
Very truly yours,

  
Lynne A. Lagarde

Cc: Diann Henderson

Acknowledged and accepted on  
this 19 day of February, 2003

By:

  
Robert J. Isbell  
*Lincoln Place Homeowners Assoc.*

© 2002 Western Coalitions & Land Alliance Inc.

2-GP-2003  
4/23/2003

**EARL, CURLEY & LAGARDE, P.C.**  
ATTORNEYS AT LAW

Telephone (602) 265-0094  
Fax (602) 265-3195

3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

April 21, 2003

Re: Henderson / Cattletrack and Lincoln

Dear Property Owner or Interested Party:

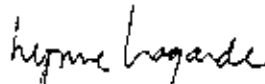
On behalf of our client Diann Henderson and three other property owners along Cattletrack south of Lincoln, we are filing an application for a General Plan Amendment (GPA) from Rural Neighborhoods to Suburban Neighborhoods on approximately 17.5 acres, together with an application for Rezoning on approximately 5.5 acres located at the southwest corner of Cattletrack and Lincoln. The areas of the General Plan Amendment and rezoning are indicated on the attached aerial map.

The requested change on the subject 17.5 acres is from Rural Neighborhoods, which allows 1 dwelling unit per acre, to Suburban Neighborhoods, which allows 2 to 8 dwelling units per acre. The proposed accompanying Rezoning on the 5.5 acre parcel is for approximately 2 units per acre for an increase of 4 to 5 homes. The remaining approximately 12 acres are not being rezoned at this time and any future rezoning will require full public hearings and citizen participation.

We would like to invite you to join us at any one of the open house meetings we have scheduled to discuss this project in more detail. The open house meetings are on **April 29, May 5 and May 19<sup>th</sup> from 4:30-6:30 p.m.** at the Henderson Residence located at 6337 N.75<sup>th</sup> Street, Scottsdale, Arizona 85250.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal.

Very truly yours,

  
Lynne Lagarde

## NEIGHBORHOOD PETITION

Our neighbor Diann Henderson has discussed with us her proposal for a new residential community of 11 homes on the approximately 5.5 acre parcel at the southwest corner of Cattletrack and Lincoln. This property has been vacant for years and a number of proposals have been made previously for its use. The most recent activity on the property was the attempt to develop acre lot custom homes. No one was interested in investing in such homes facing Cattletrack across the street from the vacant water company and other properties to the east between Cattletrack and the canal. It does not help the image and preservation of our neighborhood for the property to remain vacant and undeveloped.

We support Diann's proposal for a community of homes that would not front onto Cattletrack but rather be oriented onto an interior street forming a new small residential neighborhood with a low density of 2 per acre that would fit in well with our rural residential neighborhood and be an excellent neighbor. We believe that this proposal will offer the best long-term preservation of our neighborhood and lifestyle. We hope that you will consider approving the General Plan Amendment and rezoning required to allow this reinvestment in and enhancement of our neighborhood.

NAME

ADDRESS

TELEPHONE

Ken E. Rankin	6325 North St	602-321-1933
ROBERTA RATCLIFF	7439 E. Lincoln Dr	480-491-0548
Catherine M. Chando	6313 N 75th St	85250 998-3228
Angela Davis	7441 Century Dr	480-3228
Marie Postma	7415 E. Lincoln Dr	480-2924
Sh. Oka	7440 E. Edward Ave	85250 480-4800
E. F. Kline	7431 E. Century Dr	85250 480-998-3545
Pat German	7442 E. Century Dr	85250 922-1367
BARNETT (Zachary)	6349 N Cattletrack Rd	85250
Alexander Zink	6246 N. Cattletrack Rd	480/497-1668

2-GP-2003  
4/23/2003

## NEIGHBORHOOD PETITION

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NAME

ADDRESS

TELEPHONE

*Alexander M. Z...* *6360 N. Cattletrack Rd.* *480/497-1668*

*Henderson* *6337 N. 75th St* *Scottsdale, AZ 85250*

*John Gu...* *7500 E. Lincoln Dr., Scottsdale, AZ 85250*

ROBERT T. KLINE, JR.

7431 E. Century Drive  
Scottsdale, AZ 85250

July 31, 2003

Mr. Tim Curtis  
City of Scottsdale  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251

Dear Mr. Curtis:

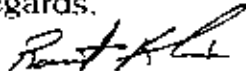
I am writing regarding the proposed amendment to the General Plan for Cattletrack Ranch, Case Number 2-GP-2003 which has been filed by Lynne Lagarde.

Please accept this letter OPPOSING said amendment. I object to any change in the General Plan which eliminates the rural designation of my home and neighborhood. Changing the classification to suburban will forever change the idyllic desert setting which I bought into. This has been done all too frequently in our beautiful city and state. I don't want to see another area lost to development.

Additionally, this proposed project requires an amendment or elimination of one lot from my subdivision, Su Casa. Regardless of the results of the proposed change, I will not support any change to our CC&Rs.

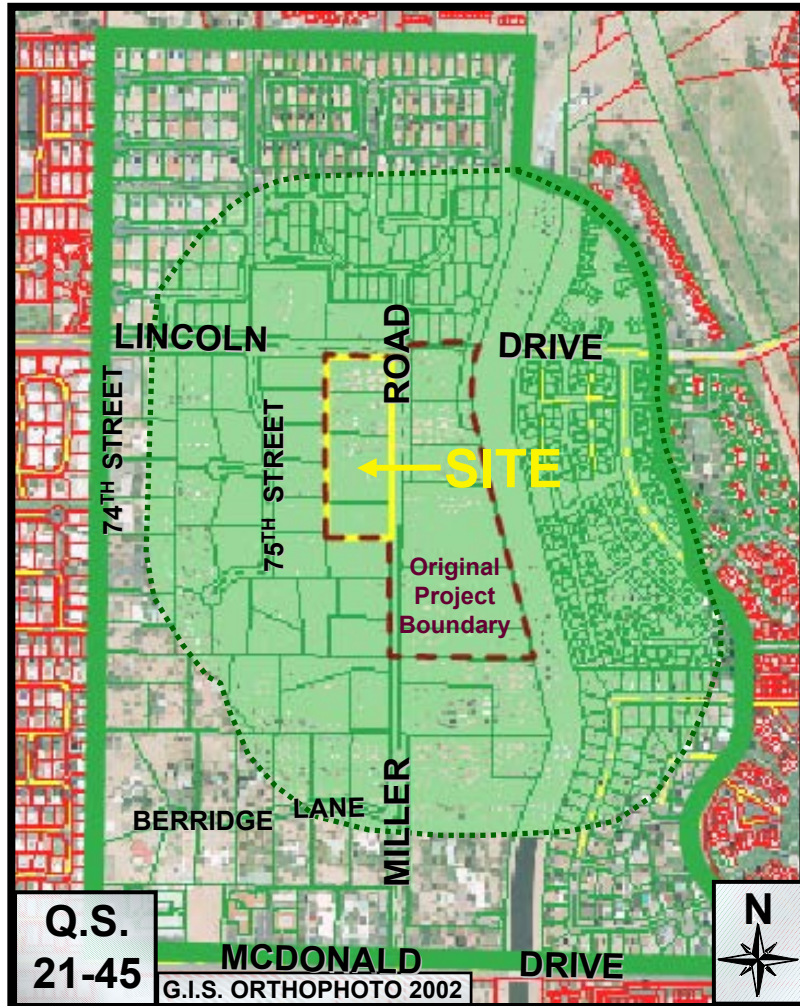
Please feel free to contact me with any questions.

Regards,



Robert T. Kline, Jr.  
(480) 998-2545

# City Notifications – Mailing List Selection Map



## Map Legend



Site Boundary



Properties within 750-feet



Extended Selection  
(Additional properties notified)

## Additional Notifications:

- General Plan Notification List
- Scottsdale Unified School District
- Interested Parties List
- 7600 Lincoln HOA
- Arroyo Verde HOA
- Lincoln Place HOA
- Scottsdale Colony HOA

# Cattletrack Ranch

## 12-ZN-2003

ATTACHMENT # 8A

**OPENING STATEMENT**

**COMMISSIONER HEITEL** read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

**REVIEW OF MINUTES OF PAST MEETINGS**

June 25, 2003  
July 9, 2003

**MR. GRANT** stated the Commission does not need to act on the minutes. If the Commission has any corrections they will be corrected and presented to the Commission at the next meeting for approval.

(No corrections to the minutes were requested.)

**REGULAR AGENDA**

**2-GP-2003 (Cattletrack Ranch)** request by Earl Curley & Lagarde P C, applicant, Diann Henderson & Alexander Zink, owners, for a General Plan Amendment from Rural Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character on a 5.5 +/- acre parcel located at the southwest corner of Cattletrack and Lincoln Drive.

**MS. HUI SH** presented the General Plan Amendment portion of the case in fulfillment of the State legislation for remote hearings. The second Planning Commission hearing for this application is scheduled for September 10, 2003. There will be no Commission action taken on this item.

**MICHELLE HAMMOND**, Earl, Curley & Lagarde, 3101 N. Central Avenue, Phoenix, AZ, stated she is here on behalf of Lynne Lagarde who is on vacation. She stated they are representing Diann Henderson and Alexander Zink on this property. The General Plan amendment is being requested so that Diann Henderson can develop this piece along with Alex Zink's property. They would like to create a quality residential community on this problematic corner. She further stated the corner of Cattle Track and Lincoln is heavily traveled and therefore has not attracted investment in the neighborhood.

Ms. Hammond stated they agree with a lot of the points in the staff outline. She discussed the definition of suburban character as identified in the staff report stating they agree with all of the points and felt this property has all those points.

Ms. Hammond reviewed the plans for this property and discussed how the plan would benefit the area. She remarked they agree with staff that the existing rural neighborhood should be protected from higher density. They felt strongly that this application is achieving that goal.

Ms. Hammond concluded they agree this area is unique and should maintain its character. Several elements effect the stability of the neighborhood including the traffic, the density and nearby commercial properties. They have to look at the bigger picture.

All of these conditions led to the request before them tonight. She stated that Diann and Alex have not arrived at this request hastily and Ms. Henderson has lived adjacent to this property for over 30 years and has seen the slow decline of this piece. The edge needs to be addressed to protect the neighborhood. She added they felt this application is an important part of providing stability to the neighborhood.

**COMMISSIONER NELSEN** requested the Applicant address the concern stated in the petition. He also requested why they felt that this property failed to attract investment. He inquired if the reason investment on this property was unattractive was because of the inflated price of the property. Ms. Hammond stated the concern in the petition regarding the CC&R issue has been dealt with. She further stated the reason the property has failed one there is sizable amount of traffic on Lincoln and Cattletrack. The other reason is that there is nearby commercial and there is a lot of cut through traffic. There are a variety of different residential densities and all of the things have eroded this edge. They would like to sew it up, and make it something quality that would present opportunity for the longevity of this neighborhood. Commissioner Nelsen asked again if they don't feel it is because of the price of the property why there are no investors. Ms. Hammond replied in the negative.

**COMMISSIONER HEITEL** requested information on transition inquiring where the edge is. He stated it would seem the edge is in the middle. Ms. Hammond stated the edge condition they are referring to is the property to the north, the property to the east, across the canal, and further down Lincoln. They have to spread out to look at the edge condition. She further stated that if they drive along Cattletrack they would see deteriorating properties on both sides that need to be addressed.

Commissioner Heitel inquired if they were to approve this General Plan Amendment to increase the density on the subject properties they would then be creating movement to the east to further increase the density across and continue this transition and further erode the existing neighborhood. Ms. Hammond stated it is their opinion that this edge is already eroded.

Commissioner Heitel inquired if this could be considered self-inflicted erosion. Ms. Hammond replied in the negative.

**COMMISSIONER SCHWARTZ** stated for the record, he looked at these properties sometime ago and spoke with Mr. Zink about his plans to build a house or develop the site. He inquired what happened to those plans.

**DIANN HENDERSON** stated she owns the 2.5 acres that corner Lincoln and Cattletrack and she got involved when Mr. Zink presented his plans to build homes on the one-acre parcels. She further stated he was proposing to build two-story 7,500 square foot homes and it did not fit into their neighborhood. She reported that she called Mr. Zink and it was her idea to rezone so they could do something charming with that corner and call it Cattletrack Ranch. She further reported that the house on the corner needs to be torn down noting it was built in 1936.

**COMMISSIONER BARNETT** stated there were other plans for building bigger houses but Ms. Henderson did not like those plans so the reinvestment argument is not valid.

Mr. Barnett asked if there were reinvestment opportunities, just not how she desired. Ms. Henderson replied in the affirmative stating the developers of the properties in the neighborhood wanted to put large homes on the property and she felt it would not fit with their neighborhood and would not maintain the rural character.

Commissioner Barnett stated the other day when he was driving around he noticed on one or two streets to the west there were three new homes going on three one acre lots. He inquired if that would not be considered redevelopment. Ms. Henderson replied in the affirmative. Commissioner Barnett noted that less than a mile away from this property on Lincoln that front onto Lincoln are very large homes that face heavy traffic and don't seem to have a problem with reinvestment. Ms. Henderson stated the problem with the houses on 64<sup>th</sup> Street on Lincoln the individual homes have put up walls and walled Lincoln and she wants to keep a rural look.

Commissioner Barnett stated their second main argument is traffic noting there are other ways to address traffic such as putting in speed bumps making cu-de-sacs or hard scaping. Ms. Henderson stated the traffic is a big problem and for years, they have wanted to put in speed bumps but that is a difficult process. She discussed some other options that have been explored.

**COMMISSIONER SCHWARTZ** stated he thought it would be helpful to see a site plan of what is proposed to give them a visual tool to look at.

Commissioner Schwartz stated in response to the issue of large homes on one-acre lots, it would be his preference if he lived in a neighborhood like this to have larger homes because it would increase the value of his home. Ms. Henderson stated she would agree but it does not fit the character of their neighborhood.

Commissioner Schwartz inquired if this site plan has a wall around the perimeter. Ms. Hammond replied there would be a partial wall.

**VICE CHAIRMAN STEINBERG** stated that with the rezoning they would be allowed eight dwelling units per acre. He inquired if that was their intention. Ms. Hammond replied they are not allowed to go that high. The General Plan designation for suburban is two to eight but they are not allowed to do eight unless they rezone the district. They are proposing R1-18 PRD, which allows two dwelling units.

(VICE CHAIRMAN STEINBERG OPENED PUBLIC TESTIMONY.)

**PATRICK CAIMARI**, 7442 E. Century Drive in Su Casa, spoke in opposition to this request. He stated he and another neighbor collected the majority of signatures in Su Casa to not change their CC&Rs that clearly stated that the density may not exceed one house per acre. He reported this is the biggest investment in his life and he does not want it changed. All of the neighbors that have lived there for years feel the same way. He further reported that there are million dollar homes right down on Lincoln. He remarked the traffic is getting a little crazy, but that there are measures that can be taken such as blockades to prevent the through traffic. He remarked he felt larger homes being built would increase the value of his home. He further remarked he moved into a rural community and he does not want to see it ruined by becoming denser. He

concluded that he did not think that because one man spent too much on a parcel of land they need to make him good.

**DOUG WATTIER, 7502 E. Berridge Lane,** spoke in opposition to this request. He stated that everyone who lives in the neighborhood comments on the calm atmosphere and his fear is that if they increase the density it could be like cancer coming into their neighborhood and would expand because the property is valuable. He further stated he felt the reason they could not sell their property is because of the price. He concluded he would like to see the atmosphere of the community maintained.

**AMY LOFGREN, 7422 E. Berridge Lane,** spoke in opposition to this request. She stated that she and her husband just moved into this neighborhood a week ago and were informed by their neighbors of what was going on. She further stated they spent more on their home than they wanted to because of how special this neighborhood is. They live on 2.4 acres and they would never imagine dividing it up and putting more homes on it for money. It is one of the last great neighborhoods left in Scottsdale.

**NILS LOFGREN, 7422 E. Berridge Lane,** spoke in opposition to this request. He stated he has been in the Valley nine years, his wife has been here 20 years, and the things they loved about the Valley are gone. He further stated he would agree with the gentleman who referred to density as being a cancer he could not agree more. He noted he travels all around the world and there are very few rural communities left. He concluded they need to preserve the integrity of the few rural pockets that are left in the city.

**ALLAN BONE, 7512 E. Berridge Lane,** spoke in opposition to this request. He stated he did not know his rural neighborhood needed so much transition and stabilization. He further stated the reason they moved into the neighborhood is because it is a rural setting within a large city. He commented he has heard a lot about not being able to attract investment in the area it seems that working within the confines there is quite a bit that can be done. He further stated he felt that by adding density it would only add to the traffic problems. He remarked he would encourage them to come into their neighborhood and look because it is the last oasis within the city. He concluded he did not think they should change the rules for a few.

**LILLIAN LEFFMANN, 7502 E. Berridge Lane,** spoke in opposition to this request. She stated regarding the properties to the east between Cattletrack and the canal the argument was raised that this is run down and something needs to be done. Anytime anyone looked at this land to buy it the asking prices was higher than the rest of the properties. She noted lovely houses could be built on the canal and they should not spoil it by using higher densities.

**BARBARA MORGENSTERN, 7426 E. Berridge Lane,** spoke in opposition to this request. She stated she has lived in her home for 30 years. She further stated she would agree with everything that has been said. This neighborhood is wonderful and they want to keep it the same. It can be developed beautifully and kept rural without changing the density.

**JOHN HINK**, 6301 N. 75<sup>th</sup> Street, stated he comes from a different situation, and he lives adjacent to the property and is neutral about the situation. He further stated his concern is that he does not want a two-story house behind him that looks into this backyard. He would like to see a height restriction and he does not want to see a perimeter wall. He noted that the house behind him has been vacant for two years and has a empty pool and he has asked Mr. Zink to secure the property because it is a hazard.

**HARRY JUPIN**, 7437 E. Berridge Lane, spoke in opposition to this request. He stated he had several issues with this application and in his opinion it is inappropriate to rezone and grant a General Plan amendment in such a small area of land to benefit a small group of people without considering the negative impact on the surrounding areas. He commented he cannot understand how changing the zoning to increase the density would increase the open space. In addition, they are already talking about the rezoning on Cattletrack for the Ellis property that would increase the traffic. He further stated the traffic is horrific but there are ways to address it.

**JOHN THOMAS**, 7500 E. Lincoln Drive, spoke in support of this request. He stated his family has lived in their house since 1967 and has seen the area change quite a bit. He further stated he trusts Diann Henderson to make this a good looking project and fit in with the community. He reported he would support the project. He further reported that he felt it would be an improvement to the neighborhood. These old houses need to be torn down and replaced with something new.

(VICE CHAIRMAN STEINBERG CLOSED PUBLIC TESTIMONY.)

**VICE CHAIRMAN STEINBERG** requested staff to advise the public about the protocol for resolving the traffic issues in this area. Mr. Jones stated these issues could be addressed through the Transportation Department that has staff that handles these types of problems.

**COMMISSIONER HEITEL** stated he has been though this neighborhood and felt it was a very unique area in the city reminiscent of many areas that have been lost. He further stated he felt it would be reprehensible for the city to participate in diminishing one small pocket left of nice homes that might be functionally obsolescent because they were built in a different era but clearly attractive to a lot of people. He remarked he sees no reason to encourage the further diminution of that area. He further remarked the city does have a neighborhood character process that could help them to define the character of this special neighborhood.

**COMMISSIONER NELSEN** commented the only thing that he sees wrong with this neighborhood is what has been allowed and encouraged to happen around it. He further commented he would also encourage them to look at seeing if they can get the area designated as a character area noting that some of them might not live to see it done. He reported that he has spent 20 years getting what amounts to an ordinance level character plan. A lot of the comments he has heard are the same comments he has heard from any place fighting for rural character. It is a tough battle. He concluded unless he sees some redeeming community wide benefits to this zoning request because it has some issues.

**COMMISSIONER BARNETT** stated he would second the comments that have been made. He further stated part of the General Plan was set up in an effort to protect neighborhoods. He remarked he lives in a neighborhood almost identical to this neighborhood and his neighborhood is going through a transition where some of the houses are being fixed up and some houses are being torn down. He further remarked he does not see a reason for this neighborhood to become denser. This is a great neighborhood and a lot of people want to live in this neighborhood. This seems to be more a question of economics and timing on the economics. If they want more money, they can wait around for it. He concluded he does not see any reason to move forward with this process.

**COMMISSIONER SCHWARTZ** stated he drives this street daily because his office is on 75<sup>th</sup> Street and McDonald so he understands the issue of traffic. He further stated it is hard to imagine anything else than homes fronting Cattletrack. He remarked there are speed problems in all of the neighborhoods and they need to address that themselves regarding how they can drive safely in their own community. He commented he was always challenged when he looked at this site to see how it fit into the big picture of the surrounding area. When you are developing a piece of property, you have to look from the outside in. He noted he is not opposed to adding a number of units to a property. This plan is not symbolic of what the rest of the community is. He further noted he would hope the applicant would have some further discussion with the neighborhood and he would suggest the applicant spend more time with the neighbors to come up with a win/win for everybody.

**VICE CHAIRMAN STEINBERG** stated this is an oasis within Scottsdale. He further stated he felt they need to protect their oases. He remarked old is not bad. He further remarked he comes from New York and he use to renovate stuff that people paid millions of dollars for and they wanted it to look as old as possible. He further noted he sees this area as being pristine in the desert. He remarked the traffic issues have to be resolved so he would suggest the citizens' approach the city and see what can be done. He commented he could not support this application. There are other ways to site the homes on Cattletrack so that it is conducive to the value of the real estate. There are other ways to do it other than by increasing the density by two times.

**3-GP-2003 (Sheegl/Thomas Property)** request by Tornow Design Associates, applicant, Winstar Pro LLC & John Thomas, owners, for a General Plan Amendment from Cultural/Institutional to Employment on a 10 +/- acre parcel located west of Thompson Peak, south of McDowell Mountain Ranch Road.

**MS. HUISE** presented the General Plan Amendment portion of the case in fulfillment of the State legislation for remote hearings. The second Planning Commission hearing for this application is scheduled for September 10, 2003. There will be no Commission action taken on this item.

**JOHN ROONEY**, Beus, Gilbert, stated they represent the five of the 10 acres. The five acres that are further to the west. He further stated the proposed amendment is for the Land Use Element from a Cultural/Institutional designation to an Employment designation. The best way to characterize this use is as a buffer zone between some of what is going to happen at WestWorld and its expanded facility. The best way to

those warehouses. He concluded he is requesting that the Commission take a closer look at the wisdom of putting a storage warehouse in a neighborhood.

**COMMISSIONER HEITEL** stated out of consideration of the neighborhood he would recommend they place this request on the regular agenda.

**CHAIRMAN GULINO** stated the consensus of the Commission was to place this on the regular agenda and it would follow case 14-ZN-2003.

(PULLED TO REGULAR AGENDA)

23-UP-2003 (Mountainside Plaza Fitness Center) request by The Peters Design Group, Inc., applicant, Glenwood Development Company, owner, for a conditional use permit for a health studio on a 3.5 +/- acre parcel located at 10855 N 116th Street (Northeast corner of Shea Blvd & 116th St) with Highway Commercial Planned Community District (C-3 PCD) zoning.

5-ZN-1992#3 (Boulders Villas) request by LVA Urban Design Studio, applicant, Wyndham International, owner, for site plan approval per zoning stipulations from 5-ZN-1992 on a 18.1 +/- acre parcel located at the Northeast corner of Westland Road and Scottsdale Road with Planned Neighborhood Center, Planned Community District, Environmentally Sensitive Lands (PNC, PCD, ESL) and Central Business District, Planned Community District, Environmentally Sensitive Lands (C-2, PCD, ESL) zoning.

13-ZN-2003 (Shea & 74<sup>th</sup> Street) request by Beus Gilbert PLLC, applicant, Ruby Tuesday Inc, owner, to rezone from Central Business District (C-2) to Highway Commercial (C-3) and approve a development agreement restricting uses on a 2 +/- acre parcel located at 7337 E Shea Boulevard.

**COMMISSIONER HEITEL MOVED TO FORWARD CASES 16-UP-2003 AND 23-UP-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA. MOVED TO FORWARD 5-ZN-1992#3 AND 13-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER BARNETT.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

#### **REGULAR AGENDA**

12-ZN-2003 (Cattletrack Ranch) request by Earl Curley & Lagarde PC, applicant, Diann Henderson & AMZ Homes, owners, to rezone from Single Family Residential District (R1-43 & R1-35) to Single Family Residential District, Planned Residential District (R1-35 PRD) with amended development standards

on a 5.5 +/- acre parcel located at the Southwest corner of Cattletrack/Miller Road and Lincoln Drive.

**MR. CURTIS** presented this case as per the project coordination packet. Staff recommends approval of the rezoning to the R1-35/PRD District, subject to the attached stipulations. He requested that the Planning Commission make note of the amended stipulation discussed in study session if they chose to make that part of the motion.

**CHAIRMAN GULINO** inquired why they were talking about perimeter walls because that is a DR issue. Mr. Curtis replied in the affirmative. The stipulation did indicate the desire for them to pay particular attention to those walls. It is also a character issue so they did want to bring this item up for discussion.

**COMMISSIONER NELSEN** inquired if Cattletrack is going to be modified in the future. Mr. Curtis replied that it is in its final configuration in terms of road width and design. It is noted in the stipulations if this is approved they want to maintain some sort of gravel or compacted granite walk ways so that it does not have that urban or suburban look. Commissioner Nelsen stated he had a concern that the lots are have a set of CC&Rs prohibiting this sort of development, he requested clarification. Mr. Curtis stated that is referencing the southern lot that is existing is part of the Su Casa subdivision and the applicant will give details how they would be addressing that in the CC&Rs

**COMMISSIONER HEITEL** inquired how does placing walls along the front of Cattletrack Road, and reducing lot sizes from 35,000 square foot minimums to 25,000-26,000 square foot, and reducing the lot width in amended standards to 100 feet from 135. How is that compatible with this rural enclave in the middle of our city. Mr. Curtis reviewed the impact discussion and what they looked at regarding that.

**LYNNE LAGARDE**, Earl Curley & Lagarde, 3101 N. Central, Phoenix, AZ, provided an updated on where they are with this project. She reported they are presenting a substantially modified plan that eliminated the need for the General Plan Amendment. She presented information on how the density was calculated. She further reported with the modified plan it is their understanding that the majority of neighbors on Berridge Lane and Su Casa support this plan. They believe this plan maintains the rural character of the area and will set a precedence for the remaining vacant land. This would be a model in fill project.

Ms. Lagarde discussed the work that has been done with the neighborhood. She noted she received an email from Lillian Lefferman who was not able to be here and she wanted to be sure everyone of the Planning Commission received the email. Ms. Lefferman worked a lot with the neighbors, their main concern was the General Plan amendment, and they are very satisfied with the project.

Ms. Lagarde stated regarding the walls she wanted to share what they have is not a perimeter wall they have sidewalls. This is very consistent with the pattern in that area on Cattletrack and Berridge Lane. They believe their walls are consistent with what is occurring in that neighborhood. They agree with staff stipulations that they maintain 30-foot setback and they are agreeable with working with DR to have an appropriate design of those walls. They believe the one-story with a 24 foot height maximum is appropriate, and a maximum of seven lots.

Ms. Lagarde stated they have only requested one modification of the stipulations in Stipulation No. 6 with regard to building height: No building on the site shall exceed twenty four (24) feet in height one-story. There shall be no outside stairs, roof top decks, of patio balconies, on lots 2, 3, and 6. Those are the areas of concern by a neighbor and they are more than willing to put that restriction.

Ms. Lagarde stated for the record they are maintaining the 35-foot setback, which matches the 35-foot setback on lots in Su Casa. With that, they are asking for the Planning Commission's recommendation for approval.

**COMMISSIONER SCHWARTZ** stated he appreciated all of the efforts they have gone through working with the neighbors. He further stated in relation to the deed restriction are they offering the same deed restrictions they have in Su Casa. Ms. Lagarde stated the deed restriction in Su Casa limit the development to one story but there is no height limitation and no restriction on roof top balconies or patios or that sort of thing. The deed restrictions were drafted a long time ago so they do not have a height limitation. With regard to the fact one of the lots is in Su Casa, as you are all aware the city does not enforce deed restrictions, so that really is for them to work out with the neighbors. There are a number of legal ways and they have retained a specialist attorney in CC&Rs so they can be amended without impacting any other lots in Su Casa. If the zoning is approved, they would handle the CC&Rs in an appropriate manner.

**COMMISSIONER NELSEN** inquired if they had to have 100 percent approval to amend the CC&Rs. Ms. Lagarde replied the CC&Rs dictate it so it is not necessarily 100 percent. She noted she is not sure she would have to pull them out but she thought it was a majority. Commissioner Nelsen stated he would like to know that because if this does move forward they would be putting the residents between a rock and hard place but that is not their job it is the applicants' job to work that out with the surrounding neighbors.

Commissioner Nelsen inquired how the perimeter wall on the western part of the project how does that relate to the back yard of the properties to the west. Ms. Lagarde replied that not all homes have walls on the property line. Some of them do and some of them don't. They will have a perimeter wall and in those

cases where the property owner has a perimeter wall they will work with those neighbors so they are not duplicating walls or creating a no man's land.

**COMMISSIONER HEITEL** stated while they understand the private deed restriction is not a specific issue before them. Amending those private deed restrictions is an indication of willingness by the parties that are part of that subdivision that they are in agreement with your representation and that you have a majority of these people in support. He further stated that he felt they were putting the cart before the horse. He remarked that he would prefer they came to them with the amendment in place.

He inquired again how does placing walls along the front of Cattletrack Road, and reducing lot sizes from 35,000 square foot minimums to 25,000-26,000 square foot, and reducing the lot width in amended standards to 100 feet from 135. How is that compatible with this rural enclave in the middle of our city.

**MS. LAGARDE** stated they felt that 25,000-26,000 square foot lots were relatively large lots and they felt the proposal was in character with the neighborhood. She stated with regard to the CC&Rs that is a private matter and the Commission's determination should be based on a land use determination.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**NILS LOFGREN**, 7422 E. Berridge Lane, spoke in opposition to this request. He stated that he was speaking on behalf of his wife, son Dylan, and the Myers family who could not be present tonight. He further stated the reason he moved into this neighborhood was because of the rural nature of the neighborhood. He remarked he did not move there to police higher density plan. He concluded that they need to preserve the integrity of the few rural pockets that are left in the city because this little patch is a true gem in the community.

**ALLAN BONE**, 7512 E. Berridge Lane, stated that although the applicant withdrew the amendment to the General Plan and came back with a revised plan they are still dealing with the same issues of increased density and respect to the rural character. With regard to the focus on the in fill area it is even more reason to respect the rural designation of the area. There are plenty of guidelines that are within the current zoning and allow the applicant to develop those lots with out going to the PRD and the special amendments. They all came to this area for the same reason and it was based on what was placed in the CC&Rs. Going around the CC&Rs to develop one lot is a very special issue to look at because it sets a precedence for increased density. He concluded he would encourage them to vote against this request.

**LAURENCE COWEN**, 7519 E. Cactus Wren, spoke in favor of this request. He stated he has lived at this address for nine years. He further stated that his first

love is for the natural attractiveness of the desert, and he felt this would be a complete upgrade for the community.

**PATRICK GAIMARI**, 7442 E. Century Drive in Su Casa, spoke in opposition to this request. He stated he is still against this request for the same reasons he stated at the off site hearing. He expressed his concerns regarding the traffic impact to the neighborhood. He further stated that this is his investment in the community and he moved here for a reason because this area is like a jewel in a very congested community.

**JOHN HINK**, 6301 N. 75<sup>th</sup> Street, stated he is the only person other than Diann that abuts this property. He further stated that he felt this was a good solution and recommends support. He commented with regard to the stipulations, he would like them to be clear that it is a maximum of seven lots, one story with a 24 foot height but there is a sloping roof. If there are any perimeter walls, he felt they should be six foot high from existing grade. He further commented he wants it to be clear that this is subject to DRB and subdivision plat approval. He remarked with regard to the CC&Rs. That is a matter between the two parties and is not a matter before the Commission. He further remarked with regard to the curb and gutter stipulation it should be consistent with what is already being done.

**MR. GAIMARI** stated that he forgot to mention that he and a neighbor went to all of his neighbors in Su Casa and gathered a majority of signatures not to change the CC&Rs.

**HARRY JUPIN**, 7437 E. Berridge Lane, spoke in opposition to this request. He stated he is opposed to this because he felt the utility services would be impacted and increased by 40 percent and he wanted somebody to look into that. He further stated Cattletrack is an over used cut through street and this will add 40 percent more traffic. He remarked he felt they should not reduce the lot size to 26,000. He further remarked he felt it was inappropriate to make a zoning change and then use the zoning change to muscle to get a CC&R change. He concluded he felt they should table this until they CC&Rs are taken care of and then goes ahead with the zoning.

**CHAIRMAN GULINO** stated they have six cards from people not wishing to speak in favor of the request and three opposed to the request.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**MS. LAGARDE** stated most of the comments they have heard are related to density and the rural character. She reminded them that what this PRD gives them is an extra lot but beyond that what it enables them to do is avoid fronting homes on the highly traveled Cattletrack and Lincoln. They believe this is a far

more appropriate solution for the neighborhood where they have just two driveways and homes with shared private driveways. She remarked they felt this plan is compatible with the rural nature of the neighborhood. She further remarked the issue regarding the CC&Rs is a private matter and not an issue for the city to take a position.

**COMMISSIONER NELSEN** stated his concern is that if they do approve the zoning change for this property and they cannot get the changes to the CC&Rs then they made a zoning change to the property that would not reflect this plan. Ms. Lagarde replied the only part of the property that is affected is the southern part and the rest of the property is not affected. If they cannot change the CC&Rs, they would have to make an adjustment. It does not mean they cannot implement the plan. They understand they would have to deal with that issue if they cannot amend the CC&Rs. Commissioner Nelsen inquired if the plan could be adjusted and go forward with six lots. Ms. Lagarde replied in the negative.

**COMMISSIONER SCHWARTZ** commented from what he is hearing there seems to be a no mans land of time between the time if they receive an approval for the project and when the CC&Rs may be changed. He inquired about the timeline to get the CC&Rs modified. He inquired if they could put some sort of timing stipulation to ensure that occurs in a timely manner. Ms. Lagarde stated if the case is approved the amendment language has been drafted and they intend to work in tandem with the plat application to DRB. If the Commission wanted they could put in a timing stipulation but that might go against the city policy of not getting involved with deed restrictions.

Commissioner Schwartz stated he knew that it is an increase in density but it was not significant they are just adding two lots. He further stated that they could have 10 access points because each lot could have a circular driveway off Cattletrack and they are diminishing that by having only two points of ingress, egress. He remarked the rural character is very important and vital but he thought they have a very strong Design Review Board and they would take a strong look at all of the comments and ideas about how to keep the rural character in the neighborhood in tact. He commented he hopes that all of the neighbors will attend the DRB meeting and give their thoughts. He concluded he was in favor of this project.

**COMMISSIONER HEITEL** stated his biggest concern with this project is that they would be setting the standard for other in fill projects. To allow the next person who wants to come in, do an acquisition of a number of lots in this area, do a another PRD, and reduce the lot sizes potentially even further in this very unique area. He further stated that he had a tremendous amount of difficulty being a party to encouraging that. He remarked the whole issue of as the city continues grow and they will be faced with in fill issues strikes at the issue of neighbors

trying to protect their neighborhood. They have a unique character area here and reducing the lot sizes, creating walls along the areas, and not creating front facing lots is of immense concern. He concluded he would not be able to support this request.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 12-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL.**

**COMMISSIONER HESS** stated that he felt Commissioner Heitel has very articulately stated the issue here that you have to deal with what the future is about. He further stated that he thought to rush to judgment to add one lot and set precedence would be ill advised. He concluded that he is opposed to this request.

**VICE CHAIRMAN STEINBERG** stated he would agree that it does set precedence. He commended the applicant for working very hard and has come up with something that is almost palatable. The big thing that bothers him that it affects the land to the east and the whole rural oasis look would disappear overnight. He further commented that he is concerned about the neighbors and their desires. He noted that a 40 percent density increase is a big increase although it is only two lots. He further noted what is upsetting is trying to decide a case that can't stand on its own because of the CC&Rs issue. He remarked that he felt ill equipped to move forward. He concluded what he has heard loud and clear is that this is a beautiful enclave that needs to be preserved.

**COMMISSIONER BARNETT** stated he thought the common problem they have in going forward is the question of trying to maintain what they have or try to come up with something better or different. There are plenty of neighborhoods like this that were designed 20, 30, 40 years ago that the design of the neighborhood had nothing to do with the design of the neighborhoods surrounding it these days. These lots could all have u-shaped driveways and they could create all kinds of chaos here. When he was looking at the proposal this seems to be a very organized proposal it seems to keep density at a reasonable level. He remarked he did not think they were increasing the density significantly. With regard to the walls, there would be a representative from this Commission on DR Board and significant input from the citizens. He further remarked that he liked the development that is proposed it is a modern version of the neighborhood. He concluded he does appreciate all of the comments about this being a rural enclave but he is in favor of the project in front of them.

**COMMISSIONER NELSEN** stated looking at the site plan he felt that there were some long overdue ideas being used such as shared driveways minimizing the ingress and egress on Cattletrack. He further stated he felt the issue regarding the walls could be worked out but unlike his colleagues' he did not have as much faith in the DR Board. He remarked that he is concerned about

the CC&Rs issue and would support a continuance with a little more assurance that those changes to the CC&Rs can be accomplished. He concluded as it stood tonight he could not support this request.

**COMMISSIONER BARNETT** stated assuming they pass this is there any way to have a better feel for this before it goes to the City Council. Ms. Lagarde stated they could certainly attempt to accomplish that but could not commit. She reiterated the fact that issue should not impact their decision tonight.

**COMMISSIONER SCHWARTZ** asked legal counsel for advise regarding the CC&Rs issue. Ms. Boomsma stated the CC&Rs are a private agreement between the landowners and the city has no authority to enforce them and in general stays out of the issue altogether. She further stated she would recommend that they make their decision based on the land use decision presented. If they fail to change the CC&Rs they would have to return.

**CHAIRMAN GULINO** stated that he lives on the other side of the canal and travel Cattletrack. He further stated that he was initially opposed to the up until the time he saw the site plan. He remarked when he looks at the site plan he felt that it maintains the character of the neighborhood and for that reason he would have a hard time objecting. He further remarked that he had a lot of faith in the DR Board. He commented what they are really discussing here is the addition of one or two lots and in his opinion that does not constitute any impact on infrastructure. He further commented he does like how the driveways have been combined into easements. He added he felt that particular portion of this neighborhood seems to be suffering some neglect so he would like to see the improvement. The in fill redevelopment is important for this portion of Scottsdale. He concluded he does support this case.

Chairman Gulino inquired if there was a second for the motion to deny this case.

**COMMISSIONER HESS SECONDED THE MOTION.**

**THE MOTION PASSED BY A VOTE OF FOUR (4) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER BARNETT, AND COMMISSIONER SCHWARTZ DISSENTING.**

14-ZN-2003 (Northsight Retail Pads) request by Earl, Curley & Lagarde, applicant, MATC Inc, owner, to rezone from Central Business District (C-2) to Highway Commercial (C-3) on 1 parcel with a total of 1.2 +/- acres located 8796 E Raintree Drive.

**MR. VERSCHUREN** presented this case as per the project coordination packet. Staff recommends denial for the lack of a regional use purpose of this request.

ORDINANCE NO 3534

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 12-ZN-2003, TO REZONE THE PROPERTY FROM R1-43 AND R1-35 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R1-35 PRD (SINGLE FAMILY RESIDENTIAL DISTRICT, PLANNED RESIDENTIAL DISTRICT), WITH AMENDED DEVELOPMENT STANDARDS, ON A 5.5 +/- ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF CATTLETRACK/MILLER ROAD AND LINCOLN DRIVE.

WHEREAS, Case No. 12-ZN-2003 has been properly noticed for City Council consideration, pursuant to the requirements of the Zoning Ordinance of the City of Scottsdale and the statutes of the State of Arizona, and the necessary citizen participation process and hearings have been completed; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the comprehensive zoning map of the City of Scottsdale for this Property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale and showing the zoning district boundaries, is amended by rezoning a 5.5 +/- acre parcel located at the southwest corner of Cattletrack/Miller Road and Lincoln Drive and marked as "Site" (the "Property") on the map attached as Exhibit 2, incorporated herein by reference, from R1-43 and R1-35 (Single Family Residential District) to R1-35 PRD (Single Family Residential District, Planned Residential District).

Section 2. That the Property development standards are hereby amended for this Property as set forth in the amended development standards contained in Exhibit 3, attached hereto and incorporated herein by reference

Section 3. That the Rezoning is conditioned on compliance with the Stipulations contained in Exhibit 1, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of November, 2003.

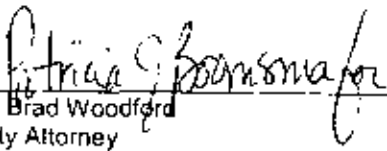
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
C. Brad Woodford  
City Attorney

## STIPULATIONS FOR CASE 12-ZN-2003

### PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO SITE PLAN.** Development shall conform with the site plan submitted by *Tornow Design Associates* and dated 10/13/2003. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** The number of dwelling units on the site shall not exceed seven (7) without subsequent public hearings before the Planning Commission and City Council.
3. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 24 feet in height (one story). There shall be no outside stairs or rooftop decks, patios, or balconies.
4. **SETBACKS.** There shall be a minimum thirty five (35) foot building setback from the west and south perimeter property lines.
5. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards shown in Attachment #7 of the report. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
6. **PERIMETER WALL DESIGN.** With the Development Review Board submittal, the applicant shall submit a detailed wall plan demonstrating how the perimeter walls will be minimized by:
  - a. Providing a minimum of ten (10) foot wide setback from the perimeter wall to the street right-of-way-line, with an average thirty (30) foot wide setback;
  - b. Landscaping between the streets and the perimeter walls,
  - c. Meandering the perimeter walls;
  - d. Limiting the size of the perimeter walls (height and length); and
  - e. Providing an overall perimeter wall design compatible with the surrounding area.

### CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Lincoln / Minor Collector	existing	Half Street	a.
Miller (Cattletrack) Minor Collector	existing	Half Street	a.
Internal streets / local residential	access easements (joint driveways)	See note b. below	b.

- a. The developer shall complete the half street for both Lincoln Drive and Miller Road (Cattletrack) along the site frontage. The half street improvements shall consist of additional pavement as necessary to provide a minimum twelve-foot wide travel lane and ribbon curb. The developer shall provide a minimum 8-foot wide stabilized decomposed granite pedestrian/bicycle path along the south side of Lincoln Drive and the west side of Miller

(Cattletrack) Road.

- b. The developer shall provide a minimum pavement width of 20 feet with a minimum 5-foot wide stabilized decomposed granite shoulder/sidewalk. Pavement and shoulder widths and turnaround requirements shall be subject to approval by the City Transportation Dept. and Rural Metro. Pavement and/or paver color shall be subject to approval by the Development Review Board.
2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
- a. Miller (Cattletrack) - The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.
  - b. Lincoln - There will be no site driveways onto Lincoln. The developer shall dedicate a one-foot wide vehicular non-access easement on this street.
  - c. Miller (Cattletrack) - There shall be a maximum of two site driveways from Cattletrack. The northern street intersection shall be located a minimum distance of 200 feet south of Lincoln Drive, or otherwise determined by the City Transportation Dept.

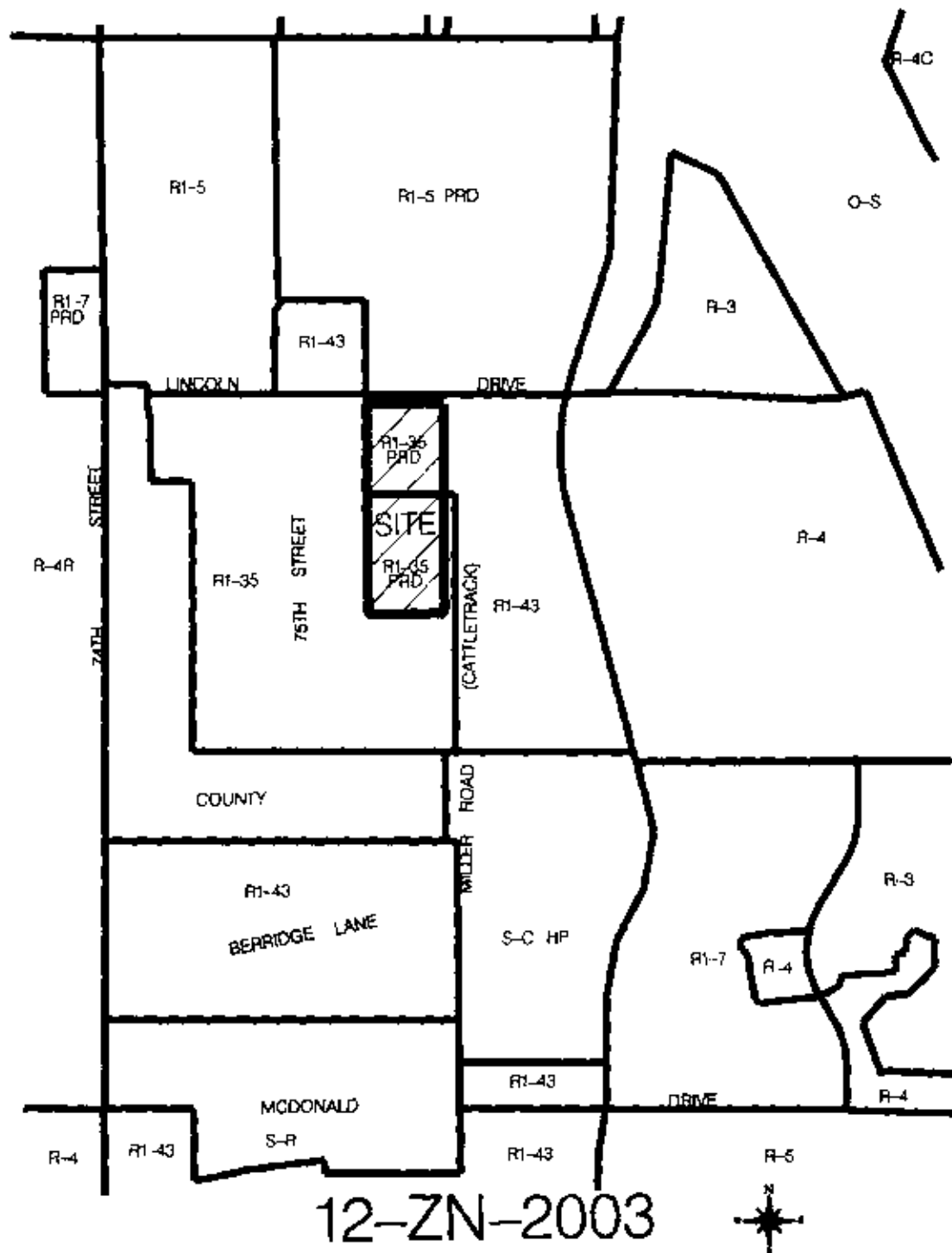


EXHIBIT 2

## Amended Development Standards 12-ZN-2003

### Sec. 5.200. (R1-35) SINGLE-FAMILY RESIDENTIAL DISTRICT.

#### Sec. 5.204. Property development standards.

The following property development standards shall apply to all land and buildings in the R1-35 district:

- A. *Lot area.*
  - 1. Each lot shall have a minimum lot area of not less than ~~thirty-five~~ **TWENTY FIVE** thousand ~~(35,000)~~ **(25,000)** square feet.
- B. *Lot dimension.*
  - 1. Width. All lots shall have a minimum width of one hundred ~~and thirty-five (135)~~ **(100)** feet.
  - 2. **FLAG LOTS. FLAG LOTS SHALL HAVE A MINIMUM WIDTH OF TWENTY (20) FEET.**
- C. *Density.* There shall not be more than one (1) single-family dwelling unit on any one (1) lot.
- D. *Building height.* No building shall exceed ~~thirty (30)~~ **TWENTY FOUR (24)** feet in height, except as provided in article VII.
- E. *Yards.*
  - 1. **Front Yard.**
    - a. There shall be a front yard having a depth of not less than ~~forty (40)~~ **TWENTY FIVE (25)** feet.
    - b. Where lots have a double frontage on two (2) streets, the required front yard of ~~forty (40)~~ **TWENTY FIVE (25)** feet shall be provided on both streets.
    - c. On a corner lot, the required front yard of ~~forty (40)~~ **TWENTY FIVE (25)** feet shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be side yards of not less than fifteen (15) feet on each side of a building, **EXCEPT A THIRTY FIVE (35) FOOT SETBACK SHALL BE PROVIDED ALONG THE WEST AND SOUTH PERIMETER PROPERTY LINES ABUTTING AN EXISTING R1-35 DISTRICT.**
  3. Rear Yard. There shall be a rear yard having a depth of not less than ~~thirty five (35)~~ **TWENTY FIVE (25) feet, EXCEPT A THIRTY FIVE (35) FOOT SETBACK SHALL BE PROVIDED ALONG THE WEST AND SOUTH PERIMETER PROPERTY LINES ABUTTING AN EXISTING R1-35 DISTRICT.**
  4. Other requirements and exceptions as specified in article VII.
- F. *Distance between buildings.*
1. There shall not be less than ten (10) feet between an accessory building and the main building.
  2. The minimum distance between main buildings on adjacent lots shall be not less than thirty (30) feet.
- G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.
- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

## DEVELOPMENT STANDARDS

SUBDIVISION NAME: Cattletrack Ranch  
CASE #: 12-ZN-2003

ZONING R1-35/PRD

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS
<b>A. MIN. LOT AREA</b>	35,000sf	25,000sf
<b>B. MIN. LOT WIDTH</b>		
1. Standard Lot	135'	100'
2. Flag Lot		20'
<b>C. MAXIMUM BUILDING HEIGHT</b>	30'	24'
<b>D. MIN. YARD SETBACKS</b>		
1. FRONT YARD		
• FRONT (to face of building)	40'	25'
• FRONT (to face of garage)	40'	25'
• FRONT (corner lot, side street)	40'	25'
• FRONT (corner lot, adjacent to key lot, side street)	40'	25'
• FRONT (double frontage)	40'	25'
2. SIDE YARD		
• Minimum	15'	15'
• Minimum aggregate		
3. REAR YARD		
• Standard Depth	35'	25'
		35' along west and south perimeter property lines
• Min. Depth (1% of difference which can be occupied)		
<b>E. DISTANCE BETWEEN BUILDINGS (MIN)</b>		
1. Accessory & Main	10'	10'
2. Main Buildings/Adjacent Lots	30'	30'
<b>F. MAXIMUM WALL HEIGHT</b>		
1. FRONT	3'	3'
2. SIDE	8'	8'
3. REAR	8'	8'
4. Corner side not next to key lot	8' on PL	8' on PL
5. Corral fence height (on prop line)	6' on PL	6' on PL
<b>G. DEVELOPMENT PERIMETER SETBACKS</b>		35' along west and south perimeter property lines
<b>H. APPLICABLE ZONING CASES</b>		12-ZN-2003
<b>I. NOTES &amp; EXCEPTIONS</b>		

